6 Phil. 122

[G.R. No. 2506. April 16, 1906]

P. STEWART JONES, PLAINTIFF AND APPELLEE, VS. THE INSULAR GOVERNMENT, DEFENDANT AND APPELLANT.

D E C I S I O N

WILLARD, J.:

On the 16th day of January, 1904, P. Stewart Jones presented a petition to the Court of Land Registration asking that he be inscribed as the owner of a certain tract of land situated in the Province of Benguet, and within the reservation defined in Act No. 636. The Solicitor-General appeared in the court below and opposed the inscription upon the ground that the property was public land. At the trial he objected to any consideration of the case on the ground that the court had no jurisdiction to register land situated in that reservation. The objections were overruled and judgment entered in favor of the petitioner, from which judgment the Government appealed to this court. The act creating the Court of Land Registration (No. 496) gave it jurisdiction throughout the Archipelago. By Act No. 1224, which was approved August 31, 1904, and which applied to pending cases, the court was deprived of jurisdiction over lands situated in the Province of Benguet. That act, however, contained a proviso by which the court was given jurisdiction over applications for registration of title to land in all cases coming within the provisions of Act No. 648. Act No. 648 provides in its first section that—

> "The Civil Governor is hereby authorized and empowered by executive order to reserve from settlement or public sale and for specific public uses any of the public domain in the Philippine Islands the use of which is not otherwise directed by law."

Section 2 provides: "Whenever the Civil Governor, in writing, shall certify that all public

lands within limits by him described in the Philippine Islands are reserved for civil public uses, either of the Insular Government, or of any provincial or municipal government, and shall give notice thereof to the judge of the Court of Land Registration, it shall be the duty of the judge of said court" to proceed in accordance with the provisions of Act No. 627. Act No. 627, which relates to military reservations, provides that when notice is given to the Court of Land Registration of the fact that any land has been so reserved, it shall be the duty of the court to issue notice that claims for all private lands within the limits of the reservation must be presented for registration under the Land Registration Act within six months from the date of issuing such notice, and that ail lands not so presented within said time would be conclusively adjudged to be public lands, and all claims on the part of private individuals for such lands, not so presented, would be forever barred.

On the 26th day of August, 1903, the following letter was directed by Governor Taft to the judge of the Court of Land Registration:

> "SIR: You are hereby notified, in accordance with the provisions of Act No. 648, entitled 'An act authorizing the Civil Governor to reserve for civil public purposes, and from sale or settlement, any part of the public domain not Appropriated by law for special public purposes, until otherwise directed by law, and extending the provisions of Act Numbered Six hundred and twenty-seven so that public lands desired to be reserved by the Insular Government for public uses, or private lands desired to be purchased by the Insular Government for such uses, may be brought under the operation of the Land Registration Act; that the Philippine Commission has reserved for civil public uses of the Government of the Philippine Islands the lands described in Act No. 636, entitled 'An act creating a Government reservation at Baguio, in the Province of Benguet enacted February 11,1903.
>
> "It is therefore requested that the land mentioned be forthwith brought under the operation of the Land Registration Act and become registered land in the meaning thereof, and that you proceed in accordance with the provisions of Act No. 648.
>
> "Very respectfully,
>
> (Signed) "WM. H. TAFT,

The Court of Land Registration, acting upon this notice from the Governor, issued the notice required by Act No. 627, and in pursuance of that notice Jones, the appellee, within the six months referred to in the notice, presented his petition asking that the land be registered in his name. The first claim of the Government is that the provisions of Act No. 648 were not complied with in the respect that this letter of the Governor did not amount to a certificate that the lands had been reserved. The Solicitor-General says in his brief:

> "To bring these lands within the operation of section 2 of Act No. 648 it was necessary for the Civil Governor first to certify that these lands were reserved for public uses, and second, to give notice thereof to the Court of Land Registration."

We do not think that this contention can be sustained. Act No. 648 conferred power upon the Governor to reserve lands for public purposes, but it did not make that power exclusive. The Commission did not thereby deprive itself of the power to itself make reservations in the future, if it saw fit; neither did it intend to annul any reservations which it had formerly made. The contention of the Government is true when applied to a case where the land has not been reserved by the Commission. In such a case it would be the duty of the Governor to first reserve it by an executive order, and then to give notice to the Court of Land Registration, but where the land had already been reserved by competent authority, it not only was not necessary for the Governor to issue any executive order reserving the land but he had no power to do so. In such cases the only duty imposed upon him was to give notice to the Court of Land Registration that the land had been reserved. This notice was given in the letter above quoted. The court had jurisdiction to try the case.

The petitioner Jones, on the 1st day of May, 1901, bought the land in question from Sioco Cariño, an Igorot He caused his deed to the land to be recorded in the office of the registrar of property on the 8th day of May of the same year. Prior thereto, and while Sioco Cariño was in possession of the land, he commenced proceedings in court for the purpose of obtaining a possessory information in accordance with the provisions of the Mortgage Law. This possessory information he caused to be recorded in the office of the registrar of property on the 12th day of March, 1901.

The evidence shows that Sioco Cariño was born upon the premises in question; that his

grandfather, Ortega, during the life of the latter, made a gift of the property to Sioco. This gift was made more than, twelve years before the filing of the petition in this case—that is, before the 16th day of January, 1904. Sioco's grandfather, Ortega, was in possession of the land at the time the gift was made, and had been in possession thereof for many years prior to said time. Upon the gift being made Sioco took possession of the property, and continued in such possession until his sale to Jones, the petitioner. Since such sale Jones has been in possession of the land, and is now in such possession. For more than twelve years, prior to the presentation of the petition the land had been cultivated by the owners thereof, and the evidence is sufficient, in our opinion, to bring the case within section 41 of the Code of Civil Procedure, and to show such an adverse possession thereof for ten years as is required by that section. The evidence of Sioco Cariño shows that what he did in the way of presenting a petition to the Spanish Government in regard to a deed of the land was done by order of the then *comandante*, and was limited to securing a measurement thereof, as he then believed. These acts did not interrupt the running of the statute of limitations.

Acts Nos. 627 and 648 provide that the provisions of section 41 of the Code of Civil Procedure shall be applicable to all proceedings taken under either one of these acts. These acts in effect provide that in determining whether the applicant is the owner of the land or not, the general statute of limitations shall be considered, and shall be applied against the Government. The evidence showing, as we have said, such an adverse possession, the petitioner proved his ownership of the land if the Commission had authority to make the statute of limitations applicable to these proceedings.

The claim of the Government is that this provision is void; that the act thereby disposes of public lands that Congress is the only authority that can take such action, and that it has never authorized or approved the action of the Commission in applying the statute of limitations to proceedings under Acts Nos. 648 and 627. We do not think that this contention can be sustained. Section 12 of the act of Congress of July 1,1902, provides as follows:

> "SEC. 12. That all the property and rights which may have been acquired in the Philippine Islands by the United States under the treaty of peace with Spain, signed December tenth, eighteen hundred and ninety-eight, except such land or other property as shall be designated by the President of the United States for military and other reservations, of the Government of the United States, are hereby placed under the control of the Government of said Islands, to be

> administered for the benefit of the inhabitants thereof, except as provided in this act."

This gives the Government of the Philippine Islands power to dispose of these lands, and of all public lands, and to pass the law in question, unless there is some provision in other parts of the act of July 1, 1902, which takes away or limits that power. The Government says that such limitation is found in section 13 of the act. That section and sections 14 and 15 are as follows:

> "SEC. 13. That the Government of the Philippine Islands, subject to the provisions of this Act and except as herein provided, shall classify according to its agricultural character and productiveness, and shall immediately make rules and regulations for the lease, sale, or other disposition of the public lands other than timber or mineral lands, but such rules and regulations shall not go into effect or have the force of law until they have received the approval of the President, and when approved by the President they shall be submitted by him to Congress at the beginning of the next ensuing session thereof and unless disapproved or amended by Congress at said session they shall at the close of such period have the force and effect of law in the Philippine Islands: *Provided*, That a single homestead entry shall not exceed sixteen hectares in extent.
>
> "SEC. 14. That the Government of the Philippine Islands is hereby authorized and empowered to enact rules and regulations and to prescribe terms and conditions to enable persons to perfect their title to public lands in said Islands, who, prior to the transfer of sovereignty from Spain to the United States, had fulfilled all or some of the conditions required by the Spanish laws and royal decrees of the Kingdom of Spain for the acquisition of legal title thereto, yet failed to secure conveyance of title; and the Philippine Commission is authorized to issue patents, without compensation, to any native of said Islands, conveying title to any tract of land not more than sixteen hectares in extent, which were public lands and had been actually occupied by such native or his ancestors prior to and on the thirteenth of August, eighteen hundred and ninety-eight.
>
> "SEC. 15. That the Government of the Philippine Islands is hereby authorized and empowered, on such terms as it may prescribe, by general legislation, to provide for the granting or sale and conveyance to actual occupants and settlers and

> other citizens of said Islands such parts and portions of the public domain, other than timber and mineral lands, of the United States in said Islands as it may deem wise, not exceeding sixteen hectares to any one person, and for the sale and conveyance of not more than one thousand and twenty-four hectares to any corporation or association of persons: *Provided*, That the grant or sale of such lands, whether the purchase price be paid at once or in partial payments, shall be conditioned upon actual and continued occupancy,, improvement, and cultivation of the premises sold for a period of not less than five years, during which time the purchaser or grantee can not alienate or encumber said land or the title thereto; but such restriction shall not apply to transfers of rights and title of inheritance under the laws for the distribution of the estates of decedents."

It is first to be noted that section 13 does not apply to all lands. Timber and mineral lands are expressly excluded. . If the Commission should pass laws relating to mineral lands without submitting them to Congress, as it has done (Act No. 624), their validity would not be determined by inquiring if they had been submitted to Congress under section 13, but rather by inquiring if they were inconsistent with other provisions of the act relating to mineral lands. In other words, the fact that such laws were not submitted to Congress would not necessarily make them void.

The same is true of legislation relating to coal lands, as to which sections 53 and 57 contain provisions. By section 57 this Government is authorized to issue all needful rules and regulations for carrying into effect this and preceding sections relating to mineral lands. Such regulations need not be submitted to Congress for its approval. Act No. 1128, relating to coal lands, was not submitted. The act of Congress also contains provisions regarding the purchase of lands belonging to religious orders. Section 65 provides as to those lands as follows:

> "SEC. 65. That all lands acquired by virtue of the preceding section shall constitute a part and portion of the public property of the Government of the Philippine Islands, and may be held, sold, and conveyed, or leased temporarily for a period not exceeding three years after their acquisition by said Government, on such terms and conditions as it may prescribe, subject to the limitations and conditions provided for in this Act. * *. * Actual settlers and occupants at the time said lands are acquired by the Government shall have the preference over all

> others to lease, purchase, or acquire their holdings within such reasonable time as may be determined by said Government."

Does the clause "subject to the limitations and conditions of this act" require a submission to Congress of legislation concerning such land? If it does, then Act No. 1120, which contains such provisions, is void, because it was never so submitted.

Section 18 of the act of Congress provides as follows:

> "That the forest laws and regulations now in force in the Philippine Islands, with such modifications and amendments as may be made by the Government of said Islands, are hereby continued in force."

Must these modifications and amendments be submitted to Congress for its approval? If they must be, then Act No. 1148, relating thereto, is void, because it was not so submitted.

It seems very clear that rules and regulations concerning mineral, timber, and coal lands, and lands bought from religious orders need not be submitted to Congress. If they are not inconsistent with the provisions of the act of Congress relating to the same subjects, they are valid.

Congress, by section 12 of the act, gave to the Philippine Government general power over all property acquired from Spain. When it required the Commission to immediately classify the agricultural lands and to make rules and regulations for their sale, we do not think that it intended to virtually repeal section 12. Such, however, would be the effect of the rule contended for by the Government. If, notwithstanding the provisions of section 12, any law which in any way directly or indirectly affects injuriously the title of the Government to public lands must be submitted to the President and Congress for approval, the general power given by section 12 is taken away. An examination of some of the laws of the Commission will show that a holding such as is contended for by the Government in this case would apparently require a holding that such other laws were also void. Act No. 496, which established the Court of Land Registration, the court that tried this case, provides in section 38 that the decrees of the court shall be conclusive on and against all persons, including the Insular Government, and all the branches thereof. Neither the President nor Congress ever gave their consent to this law. They never consented that the title of the Government to public lands should be submitted to the judgment of the courts of the

Islands. That this law provides a means by which the Government may be deprived of its property in such lands is apparent. In this very case, if the Government had not appealed from the judgment, or if it should withdraw its appeal, the lands would be lost to it—lands which the Attorney-General claims .are public lands. The land could not be more effectually lost by the law shortening the statute of limitations than by this law making the decrees of the Court of Land Registration binding on the Government. In fact, the former law could not in any way prejudice the Government if it were not for the latter law making the judgments of this court binding upon it. Both of these laws in an indirect way affect the title to public lands, but we do not think that for that reason they are included in the term "rules and regulations" used in section 13 of the act of Congress.

Act No. 1039 granted to the Province of Cavite and to the pueblo of Cavite certain public lands. This act never was submitted either to the President or to Congress. Acts Nos, 660 and 732 authorized the leasing of parts of the San Lazaro estate. The Government leased the sanitarium at Benguet, and provided for its sale. None of these acts were ever submitted to the President or Congress. They all disposed of public lands, and there are no provisions in Act No. 926, which was submitted to Congress, which authorized such disposition. The Government owns many isolated tracts of land, such as the Oriente Hotel, for example. It has reclaimed from the sea a large tract of land in connection with the works of the port of Manila, If the Government should desire to sell this reclaimed land or to lease a part of it for the site of an hotel, or should desire to sell the Oriente Hotel building, we do not think legislation to accomplish such purposes would require the previous approval of the President and of Congress. The general purpose of section 13 was to require the Government to classify agricultural lands and to pass a homestead law—that is, a law which would state the rules and regulations by virtue of which title to the public lands of which the Government was the undisputed owner might be acquired by private persons. It is not necessary now to lay down any general rule by deference to which it can be decided in every case whether an act of the Commission constitutes a rule or regulation within the meaning of section 13. It is sufficient to say that the law in question (Act No. 648), making a statute of limitations run against the Government when the title to a few scattered tracts of land throughout the Archipelago is under consideration, is not such a rule or regulation as required previous submission to the President and Congress. It will be observed that by section 86 of the act of Congress of July 1, 1902, Congress reserves the right to annul all legislation of the Commission.

There is nothing in section 14 which requires the rules and regulations therein mentioned to be submitted to Congress, But it is said that although as to Act No. 648 submission to

Congress was not required, it is nevertheless void when applied to one not a native of the Islands, because forbidden by this section; and that this section limits the power of the Commission to declare possession alone sufficient evidence of title to cases in which the claimant is a native and in which the amount of land does not' exceed 16 hectares.

Section 14 is not limited to agricultural lands, as are sections 13 and 15. It includes mineral and timber lands. So far as it relates to proceedings theretofore taken under Spanish laws its benefits are not limited to natives of the Islands nor to tracts not more than 16 hectares in extent. Where the only claim is possession, no possession for any definite time prior to August 13, 1898, is required, nor is proof of any possession whatever after that date demanded. According to the strict letter of the section a native would be entitled to a patent who proved that he had been in possession for the months of July and August only of 1898. It is not stated whether or not one who receives such a patent must occupy the land for five years thereafter, as required by section 15. Neither is it stated whether or not a person who was in possession for the month of August, 1898, would be entitled to a patent in preference to the actual settler spoken of in section 6. When legislating upon the subject-matter of section 14, the Commission, in Act No. 926, did not make such a limitation as has been suggested. Section 54, paragraph 6, of that act is as follows:

> "All persons who by themselves or their predecessors in interest have been in the open, continuous, exclusive, and notorious possession and occupation of agricultural public lands, as defined by said act of Congress of July first, nineteen hundred and two, under a *bona fide* claim of ownership except as against the Government, for a period of ten years next preceding the taking effect of this act, except when prevented by war or *force majeure*, shall be conclusively presumed to have performed all the conditions essential to a Government grant and to have received the same, and shall be entitled to a certificate of title to such land under the provisions of this chapter."

It is seen that this section does not exclude foreigners, nor is it limited to tracts not exceeding 16 hectares in extent. To adopt the view that the power of the Commission is so limited would require a holding that this section is void as to foreigners and as to all tracts of land over 16 hectares in extent.

This paragraph of section 54 of Act No. 926 is in substance a continuation of Act No. 648 and an extension of its provisions to all the lands of the Islands.

To adopt the construction contended for would lead to an unjust result. By the terms of the first part of section 14 the Commission has the power to perfect the title to 100 hectares of land as to which a Spaniard may have done nothing more than to file an application relating thereto, and of which he never was in possession, while by the last part of the section the Commission would be entirely without power to make any rules by which a native who by himself and his ancestors had been in possession of 100 hectares for fifty years or more could get more than 16 hectares. Such a discrimination in favor of foreigners and against the natives could not have been intended. It could not have been the purpose of Congress to give the Commission ample power to legislate for the benefit of foreigners and to limit its power to legislate for the benefit of natives.

The meaning of these sections is not clear, and it is difficult to give to them a construction that will be entirely free from objection. But we do not think that authority given by the Commission to issue to a native a patent for 16 hectares of land of which he was in possession during the month of August, 1898, was intended to limit the general power of control which by section 12 is given to the Commission.

The judgment of the court below is affirmed, with the costs of this instance against the appellant. After the expiration of twenty days let final judgment be entered in accordance herewith and ten days thereafter let the cause be remanded to the lower court for proper procedure. So ordered.

Arellano, C. J., Torres, Mapa, Johnson, and *Tracey, JJ.,* concur.

Carson, J., concurs in the result.

Date created: April 29, 2014