

100 Phil. 40

[G.R. No, L-9132. October 11, 1956]

THE PEOPLE OF THE PHILIPPINES, PLAINTIFF AND APPELLANT, VS: FELICIANO LAPAS AL., DEFENDANTS AND APPELLEES.

D E C I S I O N

BAUTISTA ANGELO, J.:

Feliciano Lapasaran and others were accused in the Court of First Instance Davao of a violation of Republic Act No. 947 which consists in entering and occupying portions of a public agricultural land which were covered by a s application of the Oriental Farming Corporation¹ through force or stealth a without permit from the Director of Lands.

Counsel for the accused filed a motion to quash on the ground that the allegations in the information, as amended, do not constitute the offense d and penalized by Republic Act No. 947 for that Act merely punishes the unlawful entry and occupation of public lands granted to natural persons an not to juridical persons as in this case. The lower court sustained the mot holding that the law merely intends to protect lands which may be granted t private individuals even if the title still remains in the Government and n granted to juridical person as is the case when it refers to offenders, and being penal in character, it should be interpreted liberally in favor of the From the order quashing the information, the Government took the case on appeal directly to this Court.

The pertinent portion of the law which is claimed to have been violated by accused is section 1 of Republic Act No. 947 which provides:

“Section 1. It shall be unlawful for any person, corporation or association or occupy, through force, intimidation, threat, strategy or stealth, any pu agricultural land including such public lands as are granted to private individuals under the provision the Public Land Act or any other laws providing: for the disposal of public agricultural lands in the Philippines, and are duly covered by

the correspondent applications required for the purpose notwithstanding the fact that title thereto still remains in the Government; or for any person, natural or juridical, to induce or force another to commit such acts.”

It should be noted that the above section prohibits the forcible entry or occupation not only of any portion of public agricultural lands but also of public lands as are granted to private individuals under the provisions of Public Land Act * * * duly covered by the corresponding applications required for the purpose notwithstanding the fact that title thereto still remains in Government.” It is clear from this provision that the protection is extended from any portion of public agricultural land, to portions thereof that may *granted* to a private individual who has filed the corresponding application required for the purpose. In other words, the law requires three conditions before protection may be extended: (1) that the land be a public agricultural land, (2) that the land be covered by an application required for the purpose and (3) that it be granted to a private individual. Does the charge in the information come under the purview of the law alleged to have been violated?

Before answering this question it is necessary that we make a little digress the procedure laid down by the Public Land Act (Commonwealth Act No. 141) relative to the disposal of public lands for agricultural purposes.

To begin with, it should be stated that public lands suitable for agricultural purposes can be disposed of in the following ways: (1) for homestead settle (2) by lease, (3) by sale, and (4) by confirming of imperfect or incomplete (section 11). For each different way of acquisition, the law provides for a different procedure since its nature is different and the requirements vary accordingly, but in the main it points to one main objective, namely that before a patent may be granted it is necessary that the requirements imposed be strictly adhered to. This is particularly regard to an application for sale. It is therein provided that “before any is issued, the purchaser must show actual occupancy, cultivation, and improvement of at least one-fifth of the land applied for until the date on which final payment is made.” (Section 28, *Id.*)

Referring more particularly to a sale application, with which we are concern the present case, the procedure laid down relative thereto is as follows: W public lands are to be sold under the provisions of the law, the1 Director Lands shall announce the sale by publishing proper notice once a week for t consecutive weeks in the Official Gazette and in two newspapers of general circulation and by posting the notice on the bulletin board of the

Bureau of Lands and in a conspicuous place in the provincial or municipal building of locality where the land is situated. All bids must be sealed and addressed Director of Lands and must be accompanied by cash or certified check covering 10 per cent of the amount of the bid. Upon the opening of the bids, the land *shall be awarded to the highest bidder*. If there are two or more equal bidders the bid of the applicant shall be accepted. In any case, the applicant shall always have the option of raising his bid to equal that of the highest bidders and in this case the land shall be awarded to him. The purchase price may be paid in full upon the making of the award or in ten equal annual installments. The purchaser shall have at least one-fifth of the land broken and cultivated within five years after the date of the award, and before any patent is issued "the purchaser must show actual occupancy, cultivation, or improvement of at least one-fifth of the land applied for until the date on which final payment is made." (Sections 24 to 28, Commonwealth Act No. 141.)

Considering the procedure laid down by law relative to the purchase of a portion of public land as above outlined in the light of the allegations of the amended information we are of the opinion that the violation charged comes within the purview of the law for clearly alleged therein that the accused entered and occupied illegally a portion of public agricultural land which is merely covered by the sale application Oriental Farming Corporation without mentioning if the land applied for has already been awarded to said applicant. In order that a land applied for by private individual may be given the protection of the law, it is necessary only that it be applied for but that it be actually awarded to him even if title still remains in the Government. This is the only meaning that can be to the word *granted* mentioned in the law. Since the amended information merely mentions that the land illegally occupied by the accused was covered a sale application and has not been actually awarded as yet, the same is a portion of public agricultural land the protection of which from forcible or occupation is the main aim of the law. Having reached this conclusion, we deem it unnecessary to determine if the words "private individual" mentioned in the law can be interpreted as to include juridical persons as contended by Government. We therefore hold that the lower court erred in quashing the charge.

The order appealed from is hereby set aside. The case is remanded to the lower court for further proceedings, without pronouncements as to costs.

Paras, C. J., Padilla, Labrador, Concepcion, Reyes, J. B. L., Endencia, and Felix, JJ., concur.

Date created: October 10, 2014