

[G. R. No. L-11627. June 25, 1958]

SERGIO DE GUZMAN, PETITIONER AND APPELLANT, VS. ANASTACIO DE GUZMAN, THE DIRECTOR OF LANDS AND THE SECRETARY OF AGRICULTURE AND NATURAL RESOURCES, RESPONDENTS AND APPELLEES.

D E C I S I O N

FELIX, J.:

This is an appeal by certiorari filed by Sergio de Guzman seeking to nullify the order of the Court of the First Instance of Zamboanga del Sur dismissing the petition in Special Civil Case No. 126 of that Court. The facts of the case are as follows:

In 1941, Sergio de Guzman appears to have applied for a homestead patent over Lot No. 763, Pls-119, in Pagadian, Zamboanga, containing an area of 6 hectares. As said application was not acted upon in view of the advent of the Second World War, the Bureau of Lands required him in 1947 to file another application over the same parcel of land, which application was approved on February 26, 1949.

In December, 1951, and pending the issuance of a homestead patent in his name, Anastacio de Guzman filed a protest (B. L. Claim No. 364) alleging that the lot applied for was already an improved and cultivated land which was under his possession, it being an excess of the homestead which he acquired from Mariano Ruber in 1935, and therefore cannot be the subject of an application for homestead. After due hearing of the protest, during which investigation both parties were represented by their respective counsel, the Director of Lands rendered decision dated May 15, 1953, cancelling Homestead Application No. V-22369 (E-V-18890) of Sergio de Guzman based on the finding that the area in question was actually part and parcel of the tract of land originally approved in 1929 in favor of Mariano Ruber, the predecessor-in-interest of contestant Anastacio de Guzman, and if ever applicant Sergio de Guzman worked on said land, it was only in his capacity as helper of his father, a brother of the contestant, who was then appointed by the latter as overseer of the land in question. The decision further declared that there was nothing on record to support

petitioner's contention that claimant Anastacio de Guzman had forfeited his rights over the area in controversy, and it appearing, on the contrary, that he had faithfully maintained possession over the entire area, the Director of Lands concluded that the said lot was not disposable as a homestead for being an improved public land subject to the prior right of claimant, and Anastacio de Guzman was thus directed to file a sales application therefor in 60 days.

Applicant Sergio de Guzman brought this decision to the attention of the Secretary of Agriculture and Natural Resources, who, on May 6, 1954, affirmed the decision appealed from, holding that under the circumstances of the case, contestant Anastacio de Guzman could not be considered to have lost his preferential right to the area in question as the prior possessor of the premises.

Applicant De Guzman thus filed a petition by certiorari with the Court of First Instance of Zamboanga del Sur naming claimant Anastacio de Guzman, the Director of Lands and the Secretary of Agriculture and Natural Resources, as respondents. Contending that the decision of the Director of Lands, as affirmed by the Secretary of Agriculture and Natural Resources was based on a report by the investigator of the Bureau of Lands who, allegedly in connivance with claimant Anastacio de Guzman, had made a total misrepresentation of facts; and asserting that said decisions were rendered as a consequence of fraud, mistake and gross misrepresentation of facts, it was prayed that they be set aside and that petitioner be declared the rightful owner of the parcel of land described in his Homestead Application No. V-22369 (E-V-18890).

Respondent officials correspondingly filed their answer thereto, contending in turn that the investigation of the protest was conducted in accordance with the standing rules and regulations of the Bureau of Lands, where the parties represented by their respective counsel were afforded full opportunities to prove their contentions; that the ruling made by the Director of Lands and confirmed by the Secretary of Agriculture and Natural Resources was arrived at after a thorough sifting of the evidence adduced by the parties during the hearing and in accordance with the law and jurisprudence on the matter; that petitioner's presence in the land in question cannot ripen into any right or be the basis of a claim of ownership for it was only in his capacity as a helper of his father who was the overseer of Anastacio de Guzman that he entered thereto, and that the alleged errors, frauds or mistakes were not committed by said respondents but, must have been committed, if at all, by the investigators, for which no protest was made on time to enable the respondent officials to cause any correction, if there was any need for such rectification.

The issues having been joined and as the parties submitted the case for judgment on the pleadings, the Court, in an order dated September 28, 1954, dismissed the petition holding that the connivance alleged in the petition between Anastacio de Guzman and the investigators of the Bureau of Lands was merely a conclusion on the part of petitioner and as such allegation of fraud or misrepresentation was never brought to the attention of the Director of Lands, said irregularities could not be imputed to the latter. Furthermore, a finding of fact by the Director of Lands, when approved by the Secretary of Agriculture and Natural Resources is deemed conclusive and cannot be reviewed by the courts in the absence of showing that it was rendered as a consequence of fraud or mistake and as long as there was evidence upon which such findings were made. Petitioner's motion for a reconsideration of such order having been denied, the case was elevated to this Court on appeal.

We have carefully gone over the records of this case in the hope that same may shed some light in the determination of the merit of petitioner-appellant's charge that the investigator from the Bureau of Lands who conducted the hearing of the protest had indulged in irregularities. But we find a dearth of evidence of the proceedings held therein, and other than appellant's allegation of certain vague and isolated instances or actuations of the investigator supposedly designed to favor appellee Anastacio de Guzman, nothing appears on record to support his claim that misrepresentations of facts amounting to fraud had been committed and that the proceedings had been tainted with bias and prejudice that would justify a review or revision of the findings of the respondent officials. Moreover, it appearing that the Director of Lands based its finding on the evidence adduced at the hearing and considering the doctrine which this Court has already enunciated, that:

“* * * a decision rendered by the Director of Lands and approved by the Secretary of Agriculture and Commerce, upon a question of fact is conclusive and not subject to be reviewed by the Court, in the absence of a showing that such decision was rendered in consequence of a fraud, imposition, or mistake, other than error of judgment in estimating the value or effect of evidence, regardless of whether or not it is consistent with the preponderance of the evidence, so long as there are some evidence upon which the finding in question could be made” (Ortua vs. Singson Encarnacion, 59 Phil. 440).

We see no reason to disturb the ruling of the lower court on the question at issue.

Wherefore, the petition for review and nullification of the order appealed from is hereby dismissed and said order affirmed with costs against petitioner. So it is ordered.

Paras, C. J., Bengzon, Montemayor, Reyes, A., Bautista Angelo, Concepcion, Reyes, J. B. L., and Endencia, JJ., concur.

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