

****Title:**** *Taar v. Lawan: A Discourse on Ownership and the Validity of Free Patent Applications in the Context of the Public Land Act*

****Facts:****

The case originated from a conflict over a 71,014-square-meter parcel of land in Tarlac, Philippines. The dispute involves two groups of claimants: the petitioners (Francisca Taar, Joaquina Taar, Lucia Taar, and the Heirs of Oscar L. Galo) and the private respondents (Claudio Lawan, Marcelino M. Galo, Artemio Abarquez, Augusto B. Lawan, and Adolfo L. Galo). The land was initially part of a larger inheritance divided up among Narcisa Taar, Alipio Duenas, Fortunata Duenas, and Pantaleon Taar. Following a court-approved agreement, a portion of the land was supposed to be partitioned amongst the heirs, leading to the creation of a subdivision plan by petitioners who then applied for free patents.

The conflict escalated when private respondents protested the free patent applications, asserting their physical occupation of the land since 1948. The Department of Environment and Natural Resources (DENR) cancelled the petitioners' subdivision plan and denied their free patent applications based on the respondents' actual occupation, a decision that reached finality after no appeals were made.

Private respondents subsequently applied for and were granted free patents and corresponding certificates of title. The petitioners, alleging extrinsic fraud and deprivation of due process, sought to annul these decisions first through the DENR, where they initially won, but later lost on appeal to the Office of the President which reinstated the DENR's original decision. The case was elevated to the Court of Appeals, which dismissed the petition for certiorari filed by the petitioners. Unyielding, the petitioners brought their case to the Supreme Court of the Philippines.

****Issues:****

1. The propriety of the Court of Appeals in dismissing the petition for certiorari.
2. Whether the 1948 Court of First Instance decision prohibits the private respondents from filing free patent applications over the property.
3. The validity of the free patents and certificates of title issued to private respondents and whether they were obtained through fraud and misrepresentation.

****Court's Decision:****

The Supreme Court denied the petition for review on certiorari. It held that:

1. A petition for certiorari can only be entertained when there is no other plain, speedy, and

adequate remedy. The petitioners should have filed a petition for review under Rule 43 of the Rules of Court instead of a petition for certiorari.

2. The principle of res judicata does not bar the private respondents from applying for free patents over the property. There was no identity of parties and subject matter between the 1948 decision and the current dispute.

3. The allegations of fraud and misrepresentation in procuring the free patents and corresponding certificates should have been substantiated. Only the government, through the Office of the Solicitor General, may initiate actions questioning the validity of such titles.

****Doctrine:****

The Supreme Court reiterated the principle that entitlement to agricultural lands of the public domain requires clear compliance with the provisions of the Public Land Act. It also underscored that a judgment confirming the subdivision of a parcel of land does not necessarily prohibit other parties from filing free patent applications, provided they meet statutory requirements.

****Class Notes:****

- ****Res Judicata:**** Requires final judgment by a competent court, jurisdiction over the subject matter and parties, judgment on the merits, and identity between the first and second actions in parties, subject matter, and causes of action.

- ****Rule of Certiorari under Rule 65:**** It is an extraordinary remedy limited to instances where there is no appeal, nor any plain, speedy, and adequate remedy in the ordinary course of law, focused on errors of jurisdiction instead of errors of judgment.

- ****Free Patent Application Requirements:**** As under the Public Land Act, applicants must demonstrate continuous occupation and cultivation of the land, among other conditions, to secure a free patent.

****Historical Background:****

The case reflects the complex and often contentious process of land distribution and registration in the Philippines, a legacy of both colonial and post-colonial land policies. It demonstrates the challenges in reconciling historical land claims, the right to due process, and the state's role in equitable land distribution.