

THE PEOPLE OF THE PHILIPPINES, PLAINTIFF AND APPELLANT VS. ESTANISIAO IGNACIO Y MARCELO, BENIGN A IGNACIO, ET AL., DEFENDANTS AND APPELLEES.

G. R. No. L-18332. April 30, 1963

Ponente: LABRADOR, J.

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LABRADOR, J.:

Appeal from an order, of the Court of First Instance of Manila, dated February 24, 1961, the Hon. Conrado M. Vasquez, presiding, dismissing Criminal Case No. 53706, on the ground that the facts charged in the information' do not constitute perjury.

The records show that Genoveva P. Alano and others filed against Estanislao Ignacio y Marcelo and others (accused herein), an action for partition of a parcel of land situated in Parañaque, Rizal and docketed as Civil Case No. 4399 in the Court of First Instance of Rizal. Plaintiffs in this Civil case claim that they are co-owners of defendants of the 5th parcel of land described in paragraph 9 of the complaint, but accused and co-defendants denied specifically every material allegation of the complaint, alleging that the same was filed maliciously and made to disturb the peaceful possession and ownership of the land by them.

On August 15, 1958, while said civil case was still pending, defendants filed an application for registration under Act No. 496 of several parcels of land, including among them the 5th parcel of land mentioned above.

On August 9, 1960, an information for perjury was, at the instance of Genoveva P. Alano, filed by the assistant city fiscal of Manila against the defendants in civil case No. 4399, which reads as follows:

"That on or about the 15th day of August, 1958, in the City of Manila, Philippines, the said accused, being the defendants in Civil Case No. 4399 for partition of real properties involving among others, a parcel of land located at Mulawan, Parañaque, Rizal, under Tax Declaration No. 19995, filed by Genoveva Pagsisihan de Alano and others as plaintiffs, and which was then pending in the Court of First Instance of Rizal, conspiring, and confederating together and helping one another, did then and there willfully, unlawfully, feloniously, and falsely subscribe and swear to an application for the registration of the said parcel of land under Act No. 495 before Manuel N. Castro, a notary public in and for, the City of Manila, duly appointed, qualified and acting as such, and in which application said accused subscribed and swore to, among other things, facts known to them to be untrue,'that is: That the applicants (herein accused) does not know of any mortgage or encumbrance of any kind whatsoever affecting the said one parcel of land, or that of any other person has any interest therein, legal or equitable,' which facts were material matters in the subject under inquiry which was the quieting of the title¹ over the said parcel of land and required by law to be stated in said application, when in truth and in fact as the said accused very well knew at the time they swore to and signed the said application for registration that said statement appearing in paragraph 4 of said application was false and untrue In view of the pendency then in the Court of First Instance of. Rizal, Branch VI, of said Civil Case No. 4399, wherein the said Genoveva Pagsisihan de Alano and others claim undivided interest over the said parcel of land, object of the application for registration, and the above false statement was made in order to prevent said Genoveva Pagsisihan de Alano and her co-plaintiffs in said Civil Case from, filing an opposition to said application for

registration, and that once the said application was subscribed and sworn to as: above indicated, the said accused filed the same with the Court of First Instance of Pasig, Rizal, where it was docketed as case No. N-2021, L.R.C.; Record No. 15843."

The accused moved the court to quash the information on the ground that the facts charged therein did not constitute an offense. The lower court granted the motion and dismissed the information. Hence, this appeal.

The charge for perjury is premised on paragraph 4 of the application for registration filed by the accused wherein they state that they do not know of any mortgage or incumbrance of any kind whatsoever affecting the parcel of land in question, or that any other person has any interest therein, legal or equitable. The Solicitor General argues that in making such a statement the accused deliberately stated a falsehood, as they very well knew that in Civil Case No. 4399, Court of First Instance of Rizal, the plaintiffs therein, complainants in the criminal case, claim ownership of the parcel of land sought to be registered by the defendants.

Article 183 of the Revised Penal Code, penalizing perjury, requires the concurrence of four elements for the existence of said offense: (a) statement or affidavit upon a material matter made under oath; (b) before a competent officer authorized to receive and administer such oath; (c) willful and deliberate assertion of a falsehood by the offender; and (d) that the sworn statement containing the falsity is required by law, (*People vs. Bautista*, 40 Off. Gaz., No. 12, 4291.)

There is no question that the application to register land is required by Act No. 496 to be sworn to before a competent officer, and that appellees had complied with such requirement. The question is whether or not the applicants in the land registration case (defendants in the criminal case) have made willful and deliberate assertions of falsehood on material matters required to be stated in the application form, when they asserted that they do not know that any "other person has any interest therein, legal or equitable in view of the pendency of Civil Case No. 4399. We do not believe that the accused have deliberately made such false assertions.

It is to be noted that the Land Registration Act (Sec. 21, Act No. 496), does not expressly require the applicant in a registration proceeding to name the persons holding adverse claims. The mention of adverse claim is made in the form contained in section 21 of the Act, a form which the law declares applicant may follow. The pertinent portion of the form is paragraph 3 which reads :

"(3) That I (or we) do not know of any mortgage or incumbrance affecting said land, or that any other person had any estate or interest therein, legal or equitable, in possession, remainder, reversion, or expectancy (if any, add 'other than as follows,' and set forth each clearly)."

The above-quoted statement in Our opinion, does not mean that an applicant for registration is to set forth the names of adverse claimants when their claims are believed by the applicant to be invalid and groundless. We believe that what the law requires is for the applicant to state only those claims of third persons which, according to the applicant, are valid or recognized by law, or so recognized by him; so that when an applicant believes the claim of third persons to the land to be worthless or invalid, or without legal foundation, it is not the applicant's duty to state them in his application. The purpose of the requirement that the claims of adverse claimants, whose claims are admitted or recognized, be set forth is so that the same may afterwards be noted in the title that is to be awarded to the applicant.

Going to the case at bar we believe that as the applicants, accused herein, in good faith believed that the plaintiffs in the civil case, the complainants in the criminal case, had no valid or legal rights or claims to the land, it was not their (applicants') duty to set them forth in paragraph 3 of their application.

In other words, the accused believed in good faith that their opponents' claim was groundless and invalid, and that

there was, therefore, no need to mention the existence of such claim in their application for registration. The fact that the civil case brought by their opponents, the complainants in the criminal case, was dismissed, confirms the correctness of appellees' belief that their opponents had no valid claim to the land applied for.

If it is not necessary for an applicant to state in his application any invalid claim made to the property sought to be registered, the said worthless or invalid claim is not a material" matter to be stated in the application, and it follows in consequence that the accused-appellees cannot be made criminally responsible for their failure to set forth such claim in their application.

But assuming for the sake of argument that the law requires the adverse claim of any third person to be stated, however invalid or worthless such claim may be, it is apparent that the failure of the applicants herein to mention the claim of the said persons was due to an evident good faith, on their part or on the part of the person who prepared their application, as they must have thought that in view of the groundlessness and invalidity of the claims in question, their mention in the application for registration was not required. In other words, the accused were not aware that the mention of the invalid claims of their opponents was a material matter to be stated in the application.

Furthermore, on examining" the information closely We find that there is no allegation therein that the accused knew that the supposed claim of the complainants was a material fact or matter to be stated in their application. Before a person can be held guilty of perjury it is necessary that such person must be alleged to have known that that matter required to be stated, was a material matter. There is no allegation in the information in the case at bar that the accused knew that the mention of the claims of the complainants was a material matter necessary to be stated in their application. The information being defective in that respect, the accused-appellees cannot be held guilty of perjury thereunder.

For all the foregoing considerations, namely: that the mention of the claims of the complainants is not required by the law; that what is required by the law to be stated in an application are valid and legal claims to the property sought to be registered, and not those that are merely groundless and invalid, as the claim of the complainants was found to be; and there being no allegation in the information that the matter omitted was known by the accused-appellees to be a material matter required to be stated in their application. We find that the motion to quash was correctly sustained. The order quashing the information is, therefore, hereby affirmed. Without costs.

Bengzon, C. J., Bautista Angelo, Conception, Barrera, Paredes, Regala and Makalintal, JJ., concur.

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