

**REPUBLIC OF THE PHILIPPINES, PLAINTIFF AND APPELLANT, VS.
RICARDO RAMOS, PHIL. NATIONAL BANK AND THE REGISTER OF
DEEDS OF ISABELA, DEFENDANTS AND APPELLEES.**

G. R. No. L-15484. January 31, 1963

Ponente: PADILLA, J.

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PADILLA, J.:

The action brought by the Republic of the Philippines seeks a declaration of nullity of a homestead patent granted to Ricardo Ramos and the mortgage on the homestead land executed or constituted by the latter in favor of the Philippine National Bank; cancellation of an original certificate of title issued by the Registrar of Deeds in and for the province of Isabela upon such patent and of the mortgage already referred to; reversion to the State of the homestead land together with the improvements made thereon by the homesteader and his successors-in-interest; and any other or further relief deemed just and equitable.

Two of the defendants, the Philippine National Bank and Ricardo Ramos, filed motions to dismiss upon the ground that the complaint does not state a cause of action. The other defendant, the Registrar of Deeds in and for the province of Isabela, filed no pleading.

After hearing and consideration of the motions and the objections thereto, the Court of First Instance of Isabela dismissed the complaint without costs, from which dismissal the State has appealed.

The complaint alleges that on 20 September 1947 Ricardo Ramos filed with the Bureau of Lands a homestead application No. V-4-17 for a parcel of land in the barrios of Dagupan and Calooean, municipality of San Mateo, province of Isabela a. part of Lot No. 7004, Cad. 211, containing an area of 9.2820 hectares, now subdivisional lots Nos. 9840, 9842, 9843 and 9844, which was approved on 3 December 1954 under Homestead Entry No. E-4-617 and for which Patent No. V-62617 was granted on 15 December 1955 by the Bureau of Lands, and original certificate of title No. P-5619 was issued by the Registrar of Deeds in and for the province of Isabela (Annexes A, B, C, D, E and F); that on 25 May 1958 Jose Ganadin and 49 residents of San Mateo, Isabela, who were in actual possession of the parcel of land applied for as homestead, petitioned the Bureau of Lands to cancel Ricardo Ramos' homestead Patent No. V-62617 and original certificate of title No. P-5619, on the ground that at the time he secured his homestead patent for a parcel of land in San Mateo, Isabela, above referred to, he already had secured a homestead patent on a parcel of land in the municipality of Rizal, province of Nueva Ecija, homestead application No. 229645, containing an area of 3.1730 hectares, situated in Manlongoy, barrio of Cauaan, known as Lot No. 2222, Cad. 137, under Homestead Entry No. E-137238 approved on 22 June 1940, for which Patent No. V-1833 was issued on 25 January 1949 by the Bureau of Lands, and on 21 April 1949 original certificate of title No. P-360, by the Registrar of Deeds in and for the province of Nueva Ecija, as verified by the Director of Lands after an investigation (Annexes G, H, I, J, K and L), the last homestead land applied for by and granted to him being in violation of the provisions of section 19 of Commonwealth Act No. 141, the Public Land Law, as amended by Commonwealth Act No. 456; that the name of Ricardo Ramos appearing in both homestead

applications referred to one and the same person, as shown by the fact that in those application he stated that he was born, in Bustos, Bulacan, married to Rita Ramos by whom he has six children, the names of Rita Ramos and of the six children being the same in both applications; that in his second homestead application and final proof he stated under oath that he never had filed and made any homestead application or entry nor was he a homestead patentee before applying for a homestead land in San Mateo, Isabela; that because of said false statement under oath (Annexes A and D), on 23 July 1958 the Director of Lands recommended that steps be taken for the cancellation of Patent No. V-62617 (Annex M); that such false statement shall ipso facto cause the cancellation of his second homestead Patent No. V-62617 and certificate of title No. P-5619 issued in his name pursuant to the provisions of section 91 of Commonwealth. Act No. 141; that as Ricardo Ramos mortgaged the homestead land under patent No. V-62617 and described in certificate of title No. P-5619, together with several other parcels of land to the Philippine National Bank as security for the payment of a loan, a mortgage duly registered, the Philippine National Bank and the Registrar of Deeds in and for the province of Isabela , are made party defendants.

The trial court is of the opinion (1) that it has no jurisdiction to take cognizance of the complaint because more than, a year had elapsed from 24 December 1955, the date of the issuance of the Torrens title, to 2 August 1958, the date of the commencement of the action, the homestead land having been brought under the operation of the Land Registration Act (Act No. 496); (2) that as the complaint does not allege that Ricardo Ramos knowingly, wilfully and deliberately made the false statement, which is necessary to render it actionable, there is no sufficient cause of action; (3) that Ricardo Ramos made the statement, even if untrue, in good faith; (4) that Commonwealth Act No. 456, amending section 19 of Commonwealth Act No. 141, in so far it prohibits more than one homestead entry and disqualifies a homestead patentee of a parcel of land containing, less than 24 hectares acquired after 8 June 1939, the date the amendatory Act became effective, infringes upon section 2 of Article XIII of the Constitution and therefore null, void and inoperative; (5) that the limitation to one homestead application, if applied for after 8 June 1939, imposed by said amendatory Act, as contrasted with the provisions of the Public Land Act on free patents, sale and lease of agricultural public lands, is discriminatory; and (6) that bad faith on the part of the Philippine National Bank not being alleged in the complaint the presumption is that it was an innocent mortgagee and for value.

It should be borne in mind that the order appealed from is upon motions to dismiss. The facts alleged in the complaint are deemed admitted. Could the court render a valid judgment upon the facts pleaded and deemed admitted? It should further be borne in mind that the appellant seeks not only reversion of the homestead land granted to the appellee Ricardo Ramos, cancellation of the patent and title on the ground of nullity but also any other or further remedy or relief which the court may deem just and equitable to grant.

Granting that because the homestead land in controversy has been brought under the operation of the Land Registration Act and the Torrens title issued therefor has become indefeasible, under the prayer of any other or further relief, which the court may deem just and equitable to grant, a directive for reconveyance may be granted, if after trial on the merits the court should find that the appellee Ricardo Ramos is not entitled to hold and possess title in fee simple to the homestead land erroneously granted to him because of the law transgression committed by him. The action for reconveyance is not yet barred by the statute of limitations, even granting that the statute could, which, of course, does not, run against the State. The second and third grounds relied upon by the trial court are untenable, because it is not a criminal case for perjury or false testimony. It is a provision of the Public Land Act which is involved in the controversy. And whether the appellee Ricardo Ramos made the false statement in good faith cannot be determined upon motions to dismiss but after evidence shall have been presented. The appellee Ricardo Ramos cannot claim that he did not make the false statement in the application and final proof on the second homestead land applied for by him, because he knew that he previously had applied

for, and had been granted, another homestead in the municipality of Rizal, province of Nueva Ecija, unless he could show that at the time he made the statement in the second application and final proof on the homestead land in San Mateo, Isabela, he was suffering from amnesia. That, of course, requires proof or credible evidence. The fourth and fifth grounds relied upon by the trial court to hold the amendatory Act, Commonwealth Act No. 456, unconstitutional, are also unmeritorious. Article XIII, section 2, of the Constitution where it is provided that no individual may acquire by homestead public agricultural lands in excess of twenty-four hectares, does not prohibit the Congress to pass legislation decreasing the area of public agricultural lands that an individual may acquire-by homestead. What is prohibited is to increase the area thereof. Such being the case, the amendatory Act, Commonwealth Act No. 456, is not unconstitutional.

The joining of the Philippine National Bank as defendant is for the purpose of enabling it to protect its interest. The original or a copy of the certificate of title of the homestead land in question has not been attached to the pleadings. An examination or reading thereof would enable the Court to determine whether the bank acted in good faith when it accepted the mortgage on the homestead land in controversy as partial security for the repayment of the loan it had granted to its co-appellee Ricardo Ramos.

The order appealed from is set aside and the case remanded to the court below for further proceedings in accord with law, without pronouncement as to costs.

Bengzon, C. J., Bautista Angelo, Labrador , Concepcion , Reyes, J. B. L., Barrera, Paredes, Dizon, and Regala, JJ., concur.

Makalintal, J., concurs in the result.

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