

**HEIRS OF DEOGRACIAS RAMOS AND JOSEFA LACUNA (DECEASED),
REPRESENTED BY CECILIA L. RAMOS, PETITIONERS, VS. COURT OF
APPEALS, ANACLETO P. BERNARDO AND PILAR SUAREZ,
RESPONDENTS.**

G.R. No. L-48575. October 15, 1985

Ponente: PATAJO, J.

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PATAJO, J.:

This is a petition for certiorari from a resolution of the Court of Appeals dated June 20, 1978 reconsidering and setting aside its decision of February 15, 1978, in effect affirming a decision of the Court of First Instance of Nueva Ecija in Civil Case No. 571 nullifying Original Certificate of Title No. 0-3399 in favor of petitioners, the defendants in said case, and sustaining Original Certificate of Title No. P-4621 issued in the name of Anacleto P. Bernardo and Pilar Suarez, plaintiffs therein.

The undisputed facts of the case are set forth in the decision of the Court of Appeals of February 15, 1978, the pertinent portions of which are quoted in the petition^[1] and read as follows:

"On August 18, 1941, the Court of First Instance of Nueva Ecija, acting as a land court, rendered a decision in Cadastral Case No. 60, LRC Rec. No. 1361 granting the application for registration of Deogracias Ramos, now deceased, over certain parcels of land in Papaya (now Gen. Tinio), Nueva Ecija. In the said decision, however, the court declared Lot No. 66 which was one of the parcels covered by the application of Ramos as part of the public domain but subject to the rights acquired by Josefa Lacuña, wife of Ramos, now also deceased, thus:

'Lot No. 66 — Terreno del domino publico, sujeto a los derechos adquiridos por Josefa Lacuna , e 55 años de edad, filipina, casada con Deogracias Ramos a, quien se reserva, desde luego, el derecho de poder solicitar de la oficina de terrenos on en homestead o en free patent.' (Underscoring supplied).

"On October 29, 1969, the cadastral court, on motion of the heirs of Ramos and Lacuña, and on the bases of certifications by its Clerk of Court and by the Register of Deeds of Nueva Ecija (Exhs. 3 and 4) no title had yet been issued over Lot No. 66, modified its decision of August 18, 1941 and directed that the said lot be registered in the names of the said heirs.

"On November 19, 1969, the Commissioner of land Registration acting in pursuance of the aforesaid modified decision, directed the Register of Deeds of Nueva Ecija to issue a certificate of title covering the said lot (Exh. 5); and the said Register of Deeds, on that same date, issued Original Certificate of Title No. 0-3399 in favor of the Heirs of Deogracias Ramos and Josefa Lacuna.

"In the meantime, or on April 25, 1967, Anacleto P. Bernardo succeeded in getting a sales patent (Sp-3986) from the Bureau of Lands, and on May 22, 1967, a corresponding certificate of title (Original Certificate of Title No. P-4621) covering the lot in question was issued to him.

"On September 22, 1970, Bernardo and his wife filed the instant action with the Court of First Instance of Nueva Ecija against the heirs of Deogracias Ramos and Josefa Lacuña, alleging that the order, dated October

29, 1969, and Decree No. N-127188, dated November 11, 1969, in Cadastral Case No. 60, as well as Original Certificate of Title No. 0-3399 of the Registry of Deeds for Nueva Ecija which was issued to the defendants pursuant to the said order and decree were null and void for lack of jurisdiction of the cadastral court; and praying, principally, for the declaration of nullity of the said order, decree and certificate of title. In due time, the defendants filed their answer in which they denied the allegations of the complaint and alleged, as affirmative defenses, that the questioned order was already final; that the court, setting as a court of general jurisdiction, had no jurisdiction over the case; and that Sales Patent No. Y-3986 and Original Certificate of Title No. P-4621 in the name of the plaintiffs were null and void.

"On February 21, 1971, hearing on the case was held at which, for failure of defendants' counsel to appear, plaintiffs presented their evidence *ex parte*; and on April 14, 1971, the court rendered its decision, the dispositive portion of which reads:

'WHEREFORE, in view of the foregoing, judgment is hereby rendered, in favor of the plaintiff and against the defendants, by:

'1. Ordering the setting aside of the order of this court, dated October 29, 1969, and declaring null and void the Decree No. N-127188, and Original Certificate of Title No. 0-3399, and further order the corresponding cancellation in the records of the Land Registration Commission and in the Registry of Nueva Ecija;

'2. Ordering the defendants to pay plaintiff the sum of P10,000.00 as moral damages, and

'3. To pay the costs of the proceedings;

'4. The counterclaim interposed by the defendants is hereby ordered dismissed.

"It is from this judgment that the defendants brought this appeal to this Court." (Pp. 1 - 4, Decision)"

To said facts respondents in their brief had brought to the attention of this Court that the decision of the Court of First Instance of Nueva Ecija, subject of the appeal of petitioners in the Court of Appeals, was actually a decision rendered in Cadastral Case No. 60, LRC Rec. No. 1361, Cadastral Lot No. 66, Papaya Cadastre, and Civil Case No. 571 as said two cases had been consolidated and jointly tried before said Court.[2]

In the ultimate analysis, the principal question, if not the only question, before this Court is: Which shall prevail: Original Certificate of Title No. 0-3399 issued on November 18, 1969 in the name of Deogracias Ramos and Josefa Lacuna pursuant to the order of the Court of First Instance of Nueva Ecija in Cadastral Case No. 60, Rec. No. 1361, or Original Certificate of Title No. P-4621 issued to Anacleto P. Bernardo and Pilar Suarez on May 22, 1967 whose sales application aver Cadastral Lot No. 66, Papaya Cadastre, had been approved by the Bureau of Lands on April 28, 1967?

Important to consider is the fact that there is no question that the land in question is a public land and as a matter of fact in the cadastral proceedings involving the application of Deogracias Ramos over several parcels of land including Lot No. 66 the Court of First Instance of Nueva Ecija in a decision rendered on August 18, 1941 declared Lot No. 66 as a public land without prejudice to right of Josefa Lacuna, married to Deogracias Ramos, to apply for a homestead or free patent over said land. Presumably pursuant to said decision, or to be more precise, in June 1946, Josefa Lacuna filed a homestead application for said lot. Said application was opposed by Anacleto P. Bernardo and was denied by the Bureau of Lands. On appeal said denial was affirmed by the Department of Agriculture and Natural Resources. After said homestead application was denied, Anacleto P. Bernardo filed a sales application aver said lot and in the public bidding for the sale of said lot he was the successful bidder. The Director of Lands authorized the issuance of sales patent to him after he had made full payment. On May 22, 1967, Original Certificate of Title No. P-4621 was issued in his name by the Register of Deeds of Nueva Ecija.

At the time, therefore, that the Cadastral Court issued an order on October 29, 1969 authorizing the registration of

Lot No. 60 in the name of the heirs of Deogracias Ramos and Josefa Lacuna, said lot was already covered by Original Certificate of Title No. P-4621 in the name of Anacleto P. Bernardo. That is the reason why said Court in its decision of April 30, 1970 in the consolidated cases (Cadastral Case No. 60, LRC Rec. No. 1361 and Civil Case No. 571) realizing its error cancelled its decree authorizing the issuance of a certificate of title for Lot No. 66 in the name of the heirs of Deogracias Ramos and Josefa Lacuna.

Whenever public lands are alienated, granted or conveyed to applicants thereof and the deed, grant or instrument of conveyance registered with the Register of Deeds and the corresponding certificate and owner's duplicate of title issued, such lands are deemed registered lands under the Torrens system and the certificate of title thus issued is as conclusive and indefeasible as any other certificate of title issued to private lands in ordinary or cadastral registration proceedings. Section 122, Act 496. *Manalo vs. Lukman*, 48 Phil. 973; *El Hogar Filipino vs. Olvigas*, 60 Phil. 17; *Samonte vs. Sambilon*, 107 Phil. 198. Such lands can no longer be registered again in the name of another party as a result of subsequent cadastral proceedings. Any new title which the cadastral court may order, as in the present case, is null and void and should be cancelled. *Ramoso vs. Obligado*, 70 Phil. 86; *Republic of the Philippines vs. Heirs of C. Carle*, 105 Phil. 1227; *Mesina vs. Pineda Vda. de Sonza*, 108 Phil. 251; *De la Cruz vs. Reano*, 34 SCRA 585.

We find, therefore, and so hold that Original Certificate of Title No. P-4621 issued on May 22, 1967 to Anacleto P. Bernardo and Pilar Suarez, the herein respondents, must prevail over Original Certificate of Title No. 0-3399 issued in the name of the heirs of Deogracias Ramos and Josefa Lacuna on November 18, 1969 and that the decision of respondent Court of Appeals affirming the decision of the Court of First Instance of Nueva Ecija nullifying Original Certificate of Title No. 0-3399 over Lot No. 66 is in accordance with law.

WHEREFORE, judgment is hereby rendered DISMISSING the petition, with costs against petitioners.

SO ORDERED.

Teehankee, (Chairman), Melencio-Herrera, Plana, Gutierrez, Jr., and De la Fuente, JJ., concur.

Relova, J., on official leave.

[1] Petition, pp. 2-4.

[2] Record on Appeal, p. 32.

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