

CLARO FRANCISCO, DOMINADOR FRANCISCO, DIONISIO GALICIA, MAXIMO GALICIA (NOW SALVADOR GALICIA), JUAN SILANGA, ANATALIO ALBERTO (AGUSTIN ENRIQUEZ – APPEAL WITHDRAWN), PEDRO FEJER,...

G.R. No. L-31216. April 20, 1983

Ponente: ESCOLIN, J.

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ESCOLIN, J.:

Petitioners filed a petition for certiorari in the Court of First Instance of Oriental Mindoro, docketed as Special Civil Case No. R-41, to annul and set aside the order of the Honorable Fernando Lopez, then Secretary of Agriculture and Natural Resources, which affirmed the decision of the Director of Lands, dismissing petitioners' claims and giving due course to private respondents' applications for homestead patents.

The antecedent facts are not disputed. Sometime in 1951, private respondents filed with the Director of Lands individual applications for Homestead Patents covering Lots 6, 7, 8, 9, 10 and 11 of Psu-134986 situated in Bo. Mabuhay, Municipality of Roxas, Oriental Mindoro. In 1954, petitioners, claiming better right to the issuance of Free Patents over said lots, filed their respective protests to these applications. A full-blown investigation was thereafter conducted by the Regional Land Officer, wherein all the parties submitted evidence in support of their respective adverse claims to the lots in question. Before a decision could be rendered by the Director of Lands, the latter instituted Cadastral Case No. N-1, LRC Cad. Record No. N-11 in the Court of First Instance of Oriental Mindoro, for adjudication of the lands in the Municipality of Roxas, Oriental Mindoro, including the six [6] lots in question. During the pendency of said cadastral case, the Director of Lands handed down the aforesaid decision dismissing petitioners' protests, and giving due course to the applications of private respondents. On appeal by petitioners, the Secretary of Agriculture and Natural Resources affirmed said decision. Thereafter, petitioners filed a petition for certiorari before the Court of First Instance of Oriental Mindoro, which said court dismissed for lack of merit.

The court rationalized its order of dismissal as follows:

"As already above-stated the contending parties over the lots in question admitted that they are public lands. It is well settled that the Director of Lands had jurisdiction, administrative supervision and executive control in adjudicating ownership and title over lands of the Public Domain in favor of private persons through homestead or free patent application."

The above order is assailed in this petition; ground of attack is propounded by counsel for petitioners in this wise:

"During the pendency of the cadastral proceedings in Court for the adjudication of the ownership of the lots submitted to it by the Director of Lands, the said Director is divested of and is without authority, power or jurisdiction to make any adjudication or award on any of the cadastral lots then pending in the cadastral proceedings. The power to adjudicate on those lots had already been transferred and had become vested in the cadastral court upon the institution before it of the cadastral proceedings. And that jurisdiction was validly

acquired by the Cadastral Court by authority and by operation of law - the Cadastral Law, Act No. 2259."

The petition is devoid of merit. Both petitioners and private respondents have admitted that the lands in question are part of the public domain. Upon this premise, the validity of the questioned orders of respondents Director and Secretary should be sustained. The administration and disposition of public lands is committed by law to the Director of Lands primarily, and ultimately to the Secretary of Agriculture and Natural Resources [Section 4 of Com. Act 141].

Because of the public character of the lands involved, petitioners have no registrable title that may be confirmed in the cadastral proceedings. In fact, the only decree that can be issued by the cadastral court is one which declares the lots involved as public lands.

ACCORDINGLY, the petition for review is hereby dismissed, with costs against petitioners.

SO ORDERED.

Makasiar (Chairman), Concepcion Jr., Guerrero and De Castro, JJ., concur.

Abad Santos, J., in the result.

Aquino, J., on leave.

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