

LUCIO DAJUNOS, DIONISIA DAJUNOS, MANUEL FIRMALO, ROSITA FIRMALO, EMILIA FIRMALO, NENITA FIRMALO, THELMA FIRMALO, GUIA FIRMALO AND EMILIO FIRMALO, PETITIONERS, VS. HON. TEODULO C...

G.R. Nos. L-32651-52. August 31, 1971

Ponente: CASTRO, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/0656a0239f75/>

CASTRO, J.:

The principal parties to this case are at odds over the ownership and possession of a certain parcel of land, measuring about 9 hectares, located in Demologan, Bacolod, in the province of Lanao del Norte. Arrayed on the one hand are the petitioners Manuel, Rosita, Nenita, Thelma, Guia and Emilio, all surnamed Firmalo, and, on the other, the respondents Faustino, Aniceta, Artemio, Rodolfo and Epifania, all surnamed Taruc. The Firmalos invoke in their favor, as the heirs of the late Ireneo Firmalo, a free patent award encompassing the land in question and issued by the Director of Lands in March, 1969; whereas the Tarucs rely on a final judgment rendered on October 28, 1968 by the respondent Judge Teodulo Tandayag of the Court of First Instance of Lanao del Norte, Branch II, in civil case 1218, adjudging them as the "equitable owners" over a large portion of the property.

Daniel Taruc filed free patent application 17-6267 on April 5, 1960 for a parcel of public land, about 9 hectares in size, situated in barrio Demologan, Bacolod, Lanao del Norte. About two years thereafter, or on May 7, 1962, the Firmalos lodged a protest with the Director of Lands, thru its regional office in Iligan City, against the said application. Due hearing was conducted thereon, and on December 16, 1963 a decision was rendered by the Director rejecting Daniel Taruc's application and declaring the Firmalos the preferred applicants over the property. The appeal taken by Daniel Taruc to the Secretary of Agriculture and Natural Resources was to no avail. On April 28, 1966, the latter rendered a decision sustaining the findings of the Director of Lands and dismissing Taruc's appeal. Two motions, one for reconsideration, and another for reinvestigation, were both denied by the same department head on October 4, 1967.

In the meantime, Daniel Taruc died.^[1] On June 14, 1968, appeal was taken (in the deceased's name) to the President of the Philippines from the Secretary's decision of April 28, 1966 and order of October 4, 1967. Before the administrative case could be fully terminated, however, or on November 10, 1967 to be precise, the Tarucs, all heirs of the late Daniel Taruc, commenced civil case 1218 against the Firmalos in the Court of First Instance of Lanao del Norte, presided by the respondent judge who was on mere detail thereat due to the absence of the regular judge, Her-nando Pineda. The complaint, styled "for the quieting of title and to prevent a cloud from being cast on said title," alleged that the Tarucs succeeded to all the rights and property of the late Daniel Taruc; that the latter, during his lifetime, was "the owner and in possession, free, open and uninterrupted" of the land in dispute since 1929, the same being covered by a free patent application in his name; that the defendants Lucio and Dionisia Dajunos have asserted a claim over the same property by virtue of an invalid deed of sale executed in their favor by the defendant Manuel Firmalo; and that this claim tended to cast a cloud on the Tarucs' title and

disturbed the latter's ownership. The Tarucs asked the court to adjudicate to them the land in question, to the exclusion of the Fimalos.

On June 10, 1968, the Fimalos filed an answer to the above complaint, setting up the two decisions of the Director of Lands and the Secretary of Agriculture and Natural Resources rendered in their favor and, by way of counterclaim, demanding from the Tarucs payment of damages for the loss occasioned by the latter's refusal to yield possession of the disputed property.

Civil case 1218 was twice calendared for pre-trial but neither the Fimalos nor their counsel appeared, and hearing was consequently held ex parte for reception of the evidence of the Tarucs. Finally, on October 8, 1968, the respondent judge rendered a decision declaring the Tarucs the "true equitable owners" of the land subject of that case and the rightful possessors thereof. No appeal was taken from this decision, causing the same to become "final and executory."

Subsequently, however, the President of the Philippines acted on the late Daniel Taruc's appeal in the administrative proceedings. In a decision handed down on December 6, 1968, the President sustained the Secretary of Agriculture and Natural Resources. This opened the way for the Fimalos to apply for a title to the land. Finally, on March 28, 1969, Original Certificate of Title P-2881 was issued to the Fimalos, covering 13 hectares of land, a large portion of which is admittedly the same property adjudicated by the respondent judge in favor of the Tarucs.

On November 5, 1969, a new action, civil case 1528, was commenced by the Fimalos against the Tarucs in the same court, now presided by Judge Hernando Pineda, for "ownership, possession and damages with preliminary mandatory injunction." The Fimalos invoked the title of ownership administratively awarded to them. On November 24, 1969, finding merit in the verified complaint filed by the Fimalos, Judge Pineda issued an order granting the petition for preliminary mandatory injunction and directing the Tarucs to vacate the land covered by the Fimalos' title. The Tarucs filed a motion for reconsideration of this order, claiming that the "final" judgment in civil case 1218 barred the filing of the new action. They likewise offered to file a counter-bond for the lifting of the injunction against them. This motion was, however, denied in an order dated February 17, 1970. As a result, the possession of the land in dispute shifted to the Fimalos and there remained until about half a year later when Judge Pineda retired from the bench and the respondent judge again took over.

On August 31, 1970, a writ of execution was issued by the respondent judge in civil case 1218, enforcing the judgment of October 28, 1968. This writ was served upon the Fimalos and the possession of the property in question was thereby effectively returned to the Tarucs. On September 2, 1970, the Fimalos filed an urgent motion for the recall of the above writ, mounting an attack on the jurisdiction of the court in civil case 1218 to adjudicate the ownership and possession of the property which admittedly belonged to the category of public land. This motion was denied by the respondent judge on September 12, 1970. He ruled that the court's "final" judgment may be annulled only by an independent action for that purpose and not by mere motion filed by the aggrieved party. Further, the respondent judge declared the writ of preliminary mandatory injunction issued in civil case 1528 in favor of the Fimalos dissolved and without force and effect.

It is in the context of this situation that the present petition found its way to this Court.

The central issue presented to us for resolution is, whether the court below had the power to determine, in civil case 1218, which of the adverse claimants therein had the better right to the ownership of the property in litigation.

In his decision, the respondent judge, after discrediting the claim of the Fimalos, held that:

"... On the other hand, though it is shown by the evidence of the plaintiffs [the Tarucs] that the land in question is a public land and applied before [sic] a patent title by the late Daniel Taruc under Free Patent Application No. 17-6267, it could be concluded that plaintiffs have an equitable title or interest in the land in question because by their continuous, adverse, open and peaceful possession of said land since 1929 up to the present, they are entitled to a free patent title to said land and they are regarded as equitable owners of the same as a basis of their action." (Underscoring supplied)

In effect, the court below was, knowingly or unknowingly, substituting its judgment in place of the two decisions that at that time had already been rendered by the Director of Lands and the Secretary of Agriculture and Natural Resources in favor of the Fimalos. But even while the Tarucs have concealed (intentionally or otherwise) in their complaint or omitted from their evidence the fact that the administrative proceedings over the same property had already reached that stage where only the President's action on Daniel Taruc's appeal stood in the way of a grant of title to the Fimalos, the court should have nevertheless desisted from passing judgment upon the respective claims of the parties over the parcel of public land in dispute.

The action commenced by the Tarucs is not one of the possessory actions which, we have held, courts have power to determine notwithstanding that the property affected thereby is public land.

"Courts have jurisdiction over possessory actions involving public lands to determine the issue of physical possession (in forcible entry cases before inferior courts) or the better right of possession (in accion publiciana cases before courts of first instance.)"[2]

Neither is the action one for a judicial review of the decision of the Director of Lands, something which jurisprudence recognizes in those instances where there is fraud, imposition or mistake other than error of judgment in estimating the value or effect of the evidence,[3] or where the correctness of the legal conclusions of the Director is in issue.[4] The Tarucs' action was for "quieting of title" and necessitated determination of the respective rights of the litigants, both claimants to a free patent title, over a piece of property, admittedly public land. The law,[5] as relied upon by jurisprudence,[6] lodges "the power of executive control, administration, disposition and alienation of public lands with the Director of Lands subject, of course, to the control of the Secretary of Agriculture and Natural Resources." [7]

In sum, the decision rendered in civil case 1218 on October 28, 1968 is a patent nullity. The court below did not have power to determine who (the Fimalos or the Tarucs) were entitled to an award of free patent title over that piece of property that yet belonged to the public domain. Neither did it have power to adjudge the Tarucs as entitled to the "true equitable ownership" thereof, the latter's effect being the same: the exclusion of the Fimalos in favor of the Tarucs.

ACCORDINGLY, the decision of the court a quo in civil case 1218 dated October 28, 1968 is hereby set aside as being null and void, together with the writ of execution and the order of September 12, 1970 deriving therefrom. The same court is hereby ordered to reinstate the writ of preliminary mandatory injunction dated December 16, 1969 issued in civil case 1528 and, thereafter, proceed with the hearing and determination of the latter case. Costs against the private respondents.

Reyes, J.B.L., Dizon, Makalintal, Zaldivar, Fernando, Teehankee, Barredo, Villamor, and Makasiar, JJ., concur. Concepcion, C.J., took no part.

[1] The record does not show the date of death.

[2] *Rallon vs. Ruiz, Jr.*, L-23318, May 26, 1969, 28 SCRA 332, 340-1, citing *Molina vs. De Bacud*, 19 SCRA 956, and *Villaflor vs. Reyes*, 22 SCRA 385.

[3] Alejo vs. Garchitorena, 83 Phil. 294; De Guzman vs. De Guzman, 104 Phil. 24.

[4] Alejo vs. Garchitorena, *supra*; Ortua vs. Singson Encarnacion, 59 Phil. 440.

[5] Section 4, Commonwealth Act 141.

[6] See cases cited in City of Baguio vs. Marcos, L-26100, February 28, 1969, 27 SCRA 342, 349, at footnote 7.

[7] In view of the conflicting claims regarding which of the parties has been in longer possession of the property the Regional Land Officer of Cagayan de Oro city conducted a hearing (at which both sides presented their evidence) and made an ocular inspection of the disputed land. Subsequently, the Director of Lands, in a decision dated December 16, 1963, found the preponderance of evidence in favor of the Fimalos. Daniel Taruc appealed to the Secretary of Agriculture and Natural Resources alleging that the Regional Land Officer erred (a) in finding "that the late Ireneo Fimalo had been in exclusive possession of the land in question long before the war up to his death in 1955; and (b) in disregarding the testimonies of Taruc's tenants and the adjoining landowners to the effect that he (Taruc) was the actual occupant and possessor of the land." In a decision dated April 28, 1966, the Secretary found the errors assigned to be without basis, and affirmed the Director's findings of fact as well as the latter's adjudication of the land to the Fimalos. Taruc's appeal to the President was similarly adjudged to be without merit.

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.