

MANOCUB SALAZAR, PETITIONER, VS. THE COURT OF APPEALS AND EDILBERTO MENDOZA ET AL., RESPONDENTS.*G.R. No. L-2691. October 10, 1950*

Ponente: REYES, J.

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This is an appeal by certiorari from a decision of the Court of Appeals.

From the findings of fact made by said court, which for the purposes of the appeal must be deemed conclusive, it appears that towards the end of 1945 the appellee, who held a parcel of land alongside Manday creek in Cotabato, Cotabato, by virtue of a lease granted to his deceased wife by the Bureau of Lands, allowed the appellant to construct a building on it with the understanding that one-half of the building would belong to one of them and the other half to the other. But while the construction of the building was going on, the provincial governor of Cotabato issued an order that no lease of public lands along the banks of the Manday creek would be approved or revived, and sensing that this opened the way for an attack on appellee's title, appellant "filed his own application for the lease of the land he had occupied, denounced plaintiff for subletting the land to him without the prior approval of the Secretary of Agriculture and Commerce, and demanded an investigation and a ruling that the land be declared open for lease." After the building was finished and let to a tenant, the appellee demanded rent for his half of the building, only to be informed that appellant had already collected the rent in advance. Considering this a violation of appellant's agreement with him, the appellee filed suit for ejectment in the justice of the peace court, and when that suit was dismissed for want of jurisdiction, he brought the present action in the Court of First Instance, "not to enforce the agreement, but to recover rents on the lot occupied by the defendant's building." Appellant contested the action but lost, for judgment was rendered ordering him to pay to plaintiff, as administrator of the estate of his deceased wife, the rents fixed by the court for the occupancy of the land in question. On appeal to the Court of Appeals the judgment was affirmed, except as to the duration of the sublease, which was modified.

The question for determination in this appeal is whether appellant should be upheld in his contention that the appellee had no right to the rents because the lease under which he held the land was voided when he sublet the land to the appellee without the approval of the Secretary of Agriculture and Commerce. In support of his contention appellant cites Section 40 of Commonwealth Act 141, which reads:

"Sec. 40. The lessee shall not assign, encumber, or sublet his rights without the consent of the Secretary of Agriculture and Commerce, and the violation of this condition shall avoid the contract: Provided, That assignment, encumbrance or subletting for purposes of speculation shall not be permitted in any case: Provided, further, That nothing contained in this section shall be understood or construed to permit the assignment, encumbrance, or subletting of lands leased under this Act, or under any previous Act, to persons, corporations, or associations which under this Act, are not authorized to lease public lands."

After reading the whole Act we agree with the Court of Appeals that this provision does not apply to the land under consideration. The Act provides for the administration and disposition of certain lands of the public domain,

which for that purpose are classified into (a) agricultural, (b) residential, commercial, industrial or for similar productive purposes, (c) educational, charitable or other similar purposes, and (d) reservations for town sites and for public and quasi-public uses. Each class is governed by separate and specific provisions grouped under separate titles. Class (a) comes under Title II, class (b) under Title III, class (c) under Title IV, and class (d) under Title V. The general provisions applicable to all of the classes are placed under title VI.

The land here in question not being, according to the Court of Appeals, agricultural but residential, the same falls under Title III. This title enumerates the conditions to which leases of lands of this kind should be made subject, but it contains no prohibition against sublease, much less any provision that the subleasing of the land without the approval of the Secretary of Agriculture and Commerce would render the lease void. On the other hand, we find the prohibition against sublease embodied not only in Title II, which governs agricultural lands, but also in Title IV, which covers lands for educational, charitable and other similar purposes. The inference is, we think, clear that no such prohibition was intended for lands falling under Title III. The Court of Appeals did not, therefore, err in overruling appellant's contention that the prohibition against sublease also applied to the land in question.

The foregoing sufficiently disposes of the issue presented by the appeal. But we may add that appellant is hardly the person to question the validity of appellee's title or right to the land. As this Court has once said, "when a grant of land is made by the Government, the question of its validity is a matter between the grantor and the grantee, and unless the point is raised by the Government and the grant is set aside, a third person can not question the legality of the concession." (*Maninang vs. Consolacion*, 12 Phil. 342). And applicable here is also the rule that "a person who rents a property from another is not permitted to deny the latter's title at the time the lease begun." (Sec. 68 [b], Rule 123, Rules of Court; *III Koran's Comments on the Rules of Court*, p. 463.) These are sound principles which give validity to the following pronouncement of the court below:

"The appellant first entered into an agreement with the plaintiff, securing the latter's consent to construct a building on the land in question. But once he had finished his building, he turned against his lessor, and on flimsy excuse of a directive of doubtful applicability, that leases along the banks of the Manday Creek, on which the land is found, shall not be revived or granted, he sought to obtain the annulment or revocation of his lessor's right of lease, and later applied for the lease of the land himself in his own name. No court of justice can tolerate such a double dealing; it merits censure and condemnation."

The decision appealed from is, therefore, affirmed, with costs against the appellant.

Ozaeta, Paras, Feria, Pablo, Bengzon, Tuason, and Montemayor, JJ., concur.

Moran, C.J., in the result.

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