

REPUBLIC OF THE PHILIPPINE, ETC., PETITIONER AND APPELLANT VS. HEIRS OF CIRIACO CABLE, ETC., ET AL., RESPONDENTS AND APPELLEES.

G.R. No. L-12485. July 31, 1959

Ponente: BARRERA, J.

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BARRERA, J.:

Ciriaco Carle filed a homestead application over a parcel of land located in Pola, Oriental Mindoro (H. A. No. 154223-E 72825), which was approved on August 30, 1930. Applicant Carle having died in 1942, Homestead Patent No. 71852 corresponding to said application was issued to his heirs on April 26, 1944, which patent was duly transmitted to and recorded by the Register of Deeds of said province pursuant to Section 122 of Act 496. On May 11, 1946, the corresponding certificate of title (O. C. T. No. 4648) was duly issued in favor of the said heirs.

Seven years later, or on August 31, 1953, passing upon the opposition of a certain Meynardo Ilagan to the issuance of Patent No. 71852 in the name of the heirs of Ciriaco Carle, the Director of Lands declare the said patent inoperative in so far as it covers a certain portion designated therein as area A-2 and adjudged the same in favor of the oppositor, holder of another homestead application, for the reason that the inclusion of the aforementioned area in the patent was erroneous. On appeal by the heirs, the Secretary of Agriculture and Natural Resources affirmed the order of the Director of Lands. Thereafter or on December 2, 1955, the Director of Lands filed a petition with the Court of First Instance of Mindoro, which was later amended, praying that Homestead Patent No. 71852 be declared null and void, and that the respondents, Heirs of Ciriaco Carle, be ordered to surrender the patent and the certificate of title issued pursuant thereto to the Director of Lands and the Register of Deeds of Mindoro, respectively, for cancellation (Civil Case No. R650). Respondent moved to dismiss the petition, claiming that as more than one year from the issuance of the certificate of title had already elapsed, petitioner's cause of action was already barred by prescription. Considering the aforesaid motion and the opposition thereto filed by the petitioner, the Court a quo in its order of March 2, 1957, dismissed the petition on the ground that said action was filed beyond the period of limitation provided for by law. The Director of Lands thereupon instituted the instant appeal.

There is no controversy as to the fact that on May 11, 1946, the homestead patent in favor of the appellees heirs of Ciriaco Carle was duly registered in the Office of the Register of Deeds of Mindoro and the corresponding certificate of title issued to them, and that the order of the Director of Lands cancelling a part of the homestead patent upon which the aforesaid certificate of title was based was handed down on August 31, 1953, or after the lapse of more than 7 years. Appellant, however, maintains that Section 38 of the Land Registration Act providing for the prescriptive period of one year within which to assail the correctness or validity of a certificate of title is not controlling in the case at bar. It is claimed that a homestead patent differs from a decree of registration obtained in an ordinary registration proceeding in many fundamental ways, thus depriving the former of that indefeasible nature ordinarily characteristic of the latter.

The flaw in this contention is that appellant compares a homestead patent and a decree of registration. But what is involved in the instant case is the indefeasibility of the certificate of title issued after the homestead patent has been duly registered pursuant to Section 122 of the Land Registration Act (No. 496). As to this, the law is clear: "After due registration and issue of the certificate and owner's duplicate, such land shall be registered land for all purposes under this Act." ' (Sec. 122.) Consequently, the land automatically comes under the operation of Sec. 38 of the same Act and subject to all the safeguards therein provided. And this, too, is the constant doctrine laid down by this Court in a long line of adjudicated cases.

Where a land was granted by the Government to a private individual as a homesteader under the provisions of Act No. 926, and the corresponding patent was registered and the certificate of title issued to the grantee, said land is considered registered within the meaning of the Land Registration Act. The title to the land thus granted and registered may no longer be the subject of any inquiry, decision, or judgment in a cadastral proceeding. (Manalo vs. Luo ban, et al., 48 Phil., 973).

Once a homestead patent, issued according to the Public Land Act, is registered in conformity with the provisions of Section 122 of Act No. 496, it becomes irrevocable and enjoys the same privileges as Torrens titles issued under the latter Act (El Hogar Filipino vs. Olviga, 60 Phil., 17).

Under Section 122 of Act 496, when any public lands in the Philippines are alienated, granted or conveyed to persons or public or private corporations, the same shall be brought forthwith under the operation of said Act and shall become registered lands (Sumail vs. Judge, Court of First Instance of Cotabato, et al., 96 Phil., 946).

A public land patent when registered in the corresponding register of deeds office, is a veritable torrens title (Dagdag vs. Nepomuceno, supra, p. 216); becomes as indefeasible as a Torrens title (Ramoso vs. Obligado, 70 Phil., 86).

True it may be, as appellant alleges, that neither the Public Land Act (Com. Act 141) nor the Land Registration Law provides for the period within which the certificate of title to a public land grant may be questioned, but this does not necessarily sustain appellant's contention that such action may be brought within 10 years (Art. 1144, new Civil Code), because this point has already been determined by this Tribunal when we held that:

A certificate of title issued pursuant to a homestead patent partakes of the nature of a certificate issued as a consequence of a judicial proceeding, as long as the land disposed of is really a part of the disposable land of the public domain, and becomes indefeasible and incontrovertible upon the expiration of one year from the date of the issuance thereof (Lucas vs. Durian, G. R. No. L-7886, promulgated September 23, 1957).

But appellant contends that as he is the official who exercises the power to dispose public lands, it necessarily follows that the right to review a patent pertains to him. In support of his stand, he cites Section 91 of Commonwealth Act 141. This view is correct but only as long as the land remains a part of the public domain and still continues to be under his exclusive and executive control. But once the patent is registered and the corresponding certificate of title is issued, the land ceases to be part of the public domain and becomes private property over which the Director of Lands has neither control nor jurisdiction (Sumail vs. Judge, Court of First Instance, et al., supra).

The parties, however, are not without any remedy in law. As we have suggested:

If patent has already been issued, allegedly through fraud or mistake and had been registered, the remedy of the party who had been injured by the fraudulent registration is an action for reconveyance (Roco vs. Gemida, 94 Phil., 1011; 55 Off. Gaz., [37] 7922)

Wherefore, the order appealed from is hereby affirmed, without costs. It is so ordered.

Paras, C. J., Bengzon, Padilla, Montemayor, Bautista Angelo, Labrador, Concepcion, and Endencia, JJ., concur.

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