

THE DIRECTOR OF LANDS, PETITIONER, VS. HON. COURT OF APPEALS AND THE MISAMIS LUMBER CO., INC., RESPONDENTS.

G.R. Nos. L-16078-79. June 30, 1965

Ponente: PAREDES, J.

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PAREDES, J.:

On September 9, 1959, the Court of Appeals rendered judgment in cases CA-G.R. Nos. 15472-R & 15473-R, entitled "Director of Lands, Petitioner-Appellee, vs. Candelario Aba, et al., Oppositors, Esteban Villanueva, Claimant-Appellant," and "Esteban Villanueva, Plaintiff-Appellee, vs. Sinforoso Tagaytay, et al., Misamis Lumber Co., Inc., et al., Defendants-Appellant," respectively, the pertinent portions of which read:

"The issue in this case is whether the land in question is a public land subject to Esteban Villanueva's sales application which has already been approved and awarded, or is the private property of the Misamis Lumber Company and the other defendants. The Director of Lands maintains that the entire lot 5308 is a public land, and that the area covered by Villanueva's sales application is a portion thereof.

* * * * *

It is our view that the possessory information title (registered 'on March 31, 1894) of Simeon Ledesma ripened into a title of ownership on April 1, 1914, that is, after twenty years of continuous possession, from the date of entry by him and from the moment of his death by his children there being no evidence that the said possession and in the meantime been legally interrupted. * * *.

* * * When the company took actual possession of the land it did so in the exercise of its right of ownership previously acquired by symbolic tradition (* *). In other words, the company's actual possession of the land was possession as an element of ownership, and not possession for purposes of tradition or as a basis for acquiring 'ownership.

* * * * *

The right of ownership of the Misamis Lumber Company over the land cannot be defeated by the subsequent declaration of the Bureau of Lands that the land was public land, or by a subsequent declaration, if there were one, of the Bureau of Forestry that the land was timber land.

And even if there were no registered possessory information title over the land, the company's continuous possession in the concept of owner, tacked to that of its predecessors-in-interest, having begun as far back as 1887, is sufficient to confer upon it effective title of ownership which is registrable under the land registration laws.

* * * * *

With respect to the area of 30 hectares, subject of the suit to recover possession in civil case 859, claimed by Esteban Villanueva to have been purchased by him under a miscellaneous sales application from the Bureau of Lands, we have examined all the pertinent documentary evidence, and we agree, on the basis thereof, with the Director of Lands, that it is part of lot 5308. However, it is the same area that the Misamis Lumber Company

cleared of trees and cultivated through tenants soon after it purchased two-thirds of the land in 1925, and is part of the land acquired by the Neri brothers. In view of this, Villanueva's action in civil case 859 to recover possession of 30 hectares of land from the Misamis Lumber Company must necessarily fall, for it is obvious that the Bureau of Lands could not validly sell land which was not part of the public domain, land which already belonged to a private person, in this case, the Misamis Lumber Company (* * *).

Wherefore, the judgment a quo is reversed, and another judgment is hereby entered:

(1) In CA-G.R. No. 15472-R (Cad. Case No. 17, G.L.R.O. Record No. 1640), adjudicating in favor of the Misamis Lumber Company' Inc., the southern portion of Lot 5308 containing an area of 371 hectares, more or less, which is south of Capucao river down to Lubolan creek, as shown in the sketch attached to the answer of the company; ordering the Director of Lands to segregate the said portion from Lot No. 5308, to be known as Lot No. 5308-A; and ordering the registration of this segregated portion in the name of the Misamis Lumber Company, Inc., subject, however, to the claim of Elpidio Balodo, Ireneo Campos, Simeon Sabrino, Heirs of Moisés Gaeasan, and Raman Daomillas, which the company has recognized. The record is remanded to the lower court for implementation of our judgment and for compliance by the Director of Lands with 'our order.

(2) In CA-G.R. No. 15473-R (Civil Case No. 859), dismissing the complaint of Esteban Villanueva and absolving the defendant-appellant Misamis Lumber Company.

No special pronouncement as to costs in both cases."

The Director of Lands and Esteban Villanueva appealed the above judgment to this Court, which were docketed as cases G.R. Nos. L-16076-77 (Villanueva's appeal), and L-16978--79 (Director's appeal).

In the appeal of the Director of Lands, which is subject of this discussion, the following were contained in his "Statement of the Case and of the Facts," to wit:

"This appeal by certiorari is inextricably linked with a similar appeal by certiorari docketed as G.R. Nos. L-1607G-77, wherein one Esteban Villanueva, awarded of a sales patent by herein petitioner-appellant Director of Lands over the area involved herein is a petitioner-appellant. * * * A proper revolution therefore of this appeal will necessarily hinge on the resolution by this Honorable Tribunal of Villanueva's 'appeal aforementioned. For the sake of expediency, we are therefore, constrained, with the leave of this Honorable Court, to adopt as our own the statement of facts and of the case appearing on pages 2 to 15 of appellant Villanueva's brief and adopt by reference all of said petitioner-appellant's arguments contained in his aforesaid brief as additional arguments in this brief.

* * * *. Precisely, the principal questions raised in our assignment of errors herein are like those in appellant Villanueva's brief in G.R. Nos. L-16076— and so respectfully submit as erroneous conclusions drawn by the respondent Court of Appeals from the evidence, both documentary and testimonial that were submitted for its consideration in CA-G.R. Nos. 15472-It and 15473-R, culminating in this appeal by certiorari."

Furthermore, the counter-statement of facts in respondents-appellees' brief, states:

"This appeal by the Director of Lands involves the same questions of law, if any, alleged to be involved in the appeal of Esteban Villanueva in G.R. Nos. L-16076-77. Hence, to avoid repetition, t-he counter-statement of facts in respondents-appellees' brief (pp. 1-5) in said G.R. Nos. L-16076-77 is herein incorporated by reference."

The Director of Lands having expressly admitted that his appeal and that of Esteban Villanueva are inextricably 'inked and that the principal issues raised in both cases are the same, to which appellees agree, We are constrained to Dismiss the instant appeal. This is so, because on November 28, 1964, We decided the appeal of Esteban Villanueva in cases G.R. Nos. L-16076-77, wherein We Affirmed in toto the findings of facts and conclusions of

law contained in the decision of the Court of Appeals in CA-G.R. Nos. 15472-R and 15473-R (Villanueva cases), which, may be said in passing, has already become final and executory.

Conformably with the foregoing, therefore, the instant appeal should be, as it is hereby dismissed. No costs.

Bengzon, C.J., Bautista Angelo, Concepción, Reyes, J.B.L., Dizon, Regala, Makalintal, Bengzon, J.P., and Zaldivar, JJ., concur.

Appeal dismissed.

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