

**MARIANO PAJOMAYO, PATRICIO PAJOMAYO, EUSEBIO PAJOMAYO,
SOLEDAD PAJOMAYO ASSISTED BY HER HUSBAND FLORIANO
CHITONGCO, DEMETRIO PAJOMAYO, CRISTETA PAJOMAYO
ASSISTED BY HER HUSBAND ...**

G.R. No. L-33676. June 30, 1971

Ponente: ZALDIVAR, J.

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ZALDIVAR, J.:

Appeal from the decision of the Court of First Instance of Pangasinan (Branch IX) in its Civil Case No. U-655. The decision was originally appealed to the Court of Appeals on November 3, 1964. In the resolution of the second special division of the Court of Appeals, promulgated on April 27, 1971, this case was certified to this Court as one that is within the exclusive appellate jurisdiction of the Supreme Court -- only errors on question of law being involved in the appeal.[1]

On June 5, 1963 the plaintiffs filed in the Court of First Instance of Pangasinan (Branch IX, at Urdaneta, Pangasinan) a complaint alleging that they are co-owners pro-indiviso of the parcel of land described in the complaint which is covered by Original Certificate of Title No. 1089 in the name of Diego Pajomayo, issued by the office of the Register of Deeds of Pangasinan; that they had acquired the land as an inheritance from their late father Diego Pajomayo; that they and their predecessor-in-interest had been in actual, peaceful and uninterrupted possession of said property in the concept of owners for a period of more than 70 years until the early part of the year 1956 when the defendants dispossessed them of said property, resulting in their having suffered annual damages amounting to around P1,100.00 representing the value of the crops of rice, mongo, corn and vegetables that they failed to harvest; and that because they have to file the present suit they must spend P800.00 for incidental expenses of litigation and attorney's fees. The plaintiffs prayed that they be declared the lawful owners pro-indiviso of the land in question, and that the defendants be ordered to vacate the land and pay them the damages they have suffered.

In their answer the defendants, after denying some of the allegations of the complaint, allege that they are the exclusive owners of a parcel of land covered by Original Certificate of Title No. 14034 issued by the office of the Register of Deeds of Pangasinan, the said land having been adjudicated to them in the cadastral proceedings of the Malasique cadastre, and that apparently the plaintiffs are claiming the same parcel of land. The defendants claim they had acquired the land mentioned in their answer by inheritance from their deceased father Pioquinto Manipon, and that they and their predecessors-in-interest have been in actual, peaceful, and adverse possession of said land for more than 70 years, to the exclusion of plaintiffs; and that as possessors in good faith they have introduced on the land improvements worth P1,000.00. As affirmative defenses, the defendants allege that plaintiffs' action is barred by res judicata and/or prescription and that the court has no jurisdiction over the subject matter of the case. The defendants set up a counterclaim for damages in the sum of P500.00 representing attorney's fees that they paid their counsel. The defendants prayed that they be declared the owners of the parcel of land mentioned in their answer; that the plaintiffs be ordered to pay them damages in the sum of P500.00; and,

in the alternative, should judgment be rendered against them, that the plaintiffs be ordered jointly and severally to pay them the sum of P1,000.00 representing the value of the improvements they have introduced on the land.

When the case was called for trial on July 6, 1964, the counsels for the parties submitted to the court a stipulation of facts, as follows:

"1. That plaintiffs are the children and compulsory heirs of the late Diego Pajomayo;

"2. That parties agree that the land in question is covered by two Certificates of Title, one in the name of Diego Pajomayo under Original Cert. of Title No. 1089 issued under Free Patent, owner's copy attached hereto as Annex A; and Original Cert. of Title No. 14034, in the name of the Defendant Rodrigo Manipon, issued in Cadastral Case No. 91 of Malasique Cadastre, certified true copy of which is attached hereto as Annex B;

"3. That parties agree to submit this case on the above stipulations without further presentation of evidence.

"WHEREFORE, it is respectfully prayed this Honorable Court that decision be rendered upon the foregoing stipulation after the parties have submitted simultaneous memoranda within a period of twenty (20) days from today.

"Urdaneta, Pangasinan this 6th day of July, 1964."

On the basis of the foregoing stipulation of facts, the Court of First Instance of Pangasinan (Branch IX) made a finding that Original Certificate of Title No. 1089 held by the plaintiffs was issued earlier than Original Certificate of Title No. 14034 held by the defendants, and on September 10, 1964 it rendered a decision, the dispositive portion of which reads as follows:

"WHEREFORE, the Court, rendering judgment in favor of the plaintiffs and against the defendants, hereby orders the latter to vacate the land in question and deliver possession thereof to the former who are entitled thereto as the heirs of Diego Pajomayo who is hereby declared the legal and lawful owner of the said property.

"The Register of Deeds for Pangasinan is hereby ordered to cancel de officio Original Certificate of Title No. 14034.

"With costs of this suit against the defendants."

From the above-mentioned decision of the lower court, the defendants brought up the present appeal. In their appeal the defendants made the following assignment of errors:

1. The lower court erred in declaring Original Certificate of Title No. 14034 of herein appellants null and void notwithstanding the fact that this is not one of the reliefs prayed for by the appellees.
2. The lower court erred in ordering the herein appellants to vacate the land in question and to deliver the possession thereof to the herein appellees although the latter failed to prove their cause of action against the herein appellants.
3. The lower court erred in not applying the doctrine of res judicata in favor of herein appellants.

The appeal has no merit. There is no question regarding the identity of the land involved. The only question to be resolved in the present appeal is: which of the two original certificates of title should prevail -- the No. 1089 held by the plaintiffs-appellees which was issued in virtue of the homestead patent, or the No. 14034 held by the defendants-appellants which was issued in connection with the cadastral proceedings? Necessarily, when one of the two titles is held to be superior over the other, one should be declared null and void and should be ordered cancelled. And if a party is declared to be the owner of a parcel of land pursuant to a valid certificate of title said party is entitled to the possession of the land covered by said valid title. The decree of registration issued in the

cadastral proceedings does not have the effect of annulling the title that had previously been issued in accordance with the provisions of the land Registration Law (Act 496).

The lower court, therefore, had correctly ordered the cancellation of Certificate of Title No. 14034 held by the defendants when it declared that Original Certificate of Title No. 1089 held by the plaintiffs should prevail. Likewise, the lower court had correctly ordered the defendants to vacate the land in question and deliver possession thereof to plaintiffs after declaring plaintiffs entitled thereto as the heirs of Diego Pajomayo, the lawful owner of the land.

Contrary to the claim of defendants, the doctrine of *res judicata* can not be applied in their favor in the pre-sent case.

The undisputed fact is that the plaintiffs base their claim of title to the land in question on Original Certificate of Title No. 1089 issued to their father, Diego Pajomayo, on November 27, 1931 in virtue of a free patent that was granted to him. The law requires that the homestead patent must be registered in the office of the Register of Deeds of the province where the land covered by the patent lies. Section 122 of the Land Registration Act (Act 496) provides as follows:

"SEC. 122. Whenever public lands in the Philippine Islands belonging (to the Government of the United States or) to the Government of the Philippine Islands are alienated, granted, or conveyed to persons or to public or private corporations, the same shall be brought forthwith under the operation of this Act and shall become registered lands. It shall be the duty of the official issuing the instrument of alienation, grant, or conveyance in behalf of the Government to cause such instrument before its delivery to the grantee, to be filed with the register of deeds for the province where the land lies and to be there registered like other deeds and conveyance, whereupon a certificate shall be entered as in other cases of registered land, and an owner's duplicate certificate issued to the grantee. The deed, grant, or instrument of conveyance from the Government to the grantee shall not take effect as a conveyance or bind the land, but shall operate only as contract between the Government and the grantee and as evidence of authority to the clerk or register of deeds to make registration. The act of registration shall be the operative act to convey and effect the land, and in all cases under this Act registration shall be made in the office of the register of deeds for the province where the land lies. The fees for registration shall be paid by the grantee. After due registration and issue of the certificate and owner's duplicate, such land shall be registered land for all purposes under this Act." (Underscoring supplied).

Thus, it has been ruled by this Court that once a homestead patent granted in accordance with the Public Land Act is registered pursuant to Section 122 of Act 496 (Land Registration Act), the certificate of title issued in virtue of said patent has the force and effect of a Torrens Title under the Land Registration Act. In the case of *Aquino vs. Director of Lands*, 39 Phil. 850, this Court held:

"The procedure under the Land Registration Law and under the provisions of Chapter VI of the Public Land Law are the same in that both are against the whole world, both take the nature of judicial proceedings, and for both the decree of registration issued is conclusive and final. (Act No. 496, secs. 35, 38, and 45, as amended; Act 926, secs. 59 and 63, as amended; *Escueta vs. Director of Lands*, 16 Phil. 482; *Grey Alba vs. De la Cruz*, 17 Phil. 49; *Roxas vs. Enriquez*, 29 Phil. 31; *Legarda, et al., vs. Saleeby*, 31 Phil. 591)...."[2]

In the case of *Manalo vs. Lukban and Liwanag*, 48 Phil. 973, 979, this Court said:

"The record shows that the land covered by said judgment had already been granted by the government to Monico Corpus Manuel as homesteader under the provisions of Act 926, the corresponding certificate of title having been registered and issued to said grantee. By virtue of said registration and issuance of the certificate of title, that land is considered registered within the meaning of the Land Registration Act, No. 496 (sec. 122 of said Act).

"So that when the trial was held in the cadastral proceeding which covered said land, and when the judgment of June 29, 1922 concerning said land was rendered in said proceeding, the title to that land could no longer be the subject of any inquiry, determination or judgment, for it had already been adjudicated to Monico Corpus Manuel more than ten years before, with all the legal formalities and with all the force of a title under Act 496."

The doctrine laid down in the two cases above-cited has been affirmed and applied by this Court in a long line of decisions.[3] The ruling regarding the validity and force of a certificate of title issued in virtue of the registration of a homestead patent is applicable to certificates of title issued in virtue of the registration of other land patents under the Public Land Law. In the case of Lahora, et al., vs. Dayanghirang, et al., G. R. No. L-28565, January 30, 1971[4], this Court, speaking through Mr. Justice J. B. L. Reyes, held:

"The rule in this jurisdiction, regarding public land patents and the character of the certificate of title that may be issued by virtue thereof, is that where land is granted by the government to a private individual, the corresponding patent therefor is recorded, and the certificate of title is issued to the grantee; thereafter, the land is automatically brought within the operation of the Land Registration Act, the title issued to the grantee becoming entitled to all the safeguards provided in Section 38 of said Act. In other words, upon the expiration of one year from its issuance, the certificate of title becomes irrevocable and indefeasible like a certificate issued in a registration proceeding."

It is the settled rule in this jurisdiction that where two certificates of title are issued to different persons covering the same land in whole or in part, the earlier in date must prevail as between the original parties, and in case of successive registration where more than one certificate is issued over the land the person holding under the prior certificate is entitled to the land as against the person who relies on the second certificate.[5]

In the case now before Us, it appearing that Original Certificate of Title No. 14034 upon which the defendants-appellants base their claim of ownership over the land in question was issued on April 1, 1957, while Original Certificate of Title No. 1089 upon which plaintiffs-appellees base a similar claim was issued on November 27, 1931, under the law and the authorities We have herein cited, the latter certificate of title should prevail, and the former should be cancelled.

WHEREFORE, the decision appealed from should be, as it is hereby, affirmed, with costs against the defendants-appellants.

IT IS SO ORDERED.

Concepcion, C.J., Reyes, J.B.L., Dizon, Makalintal, Fernando, Teehankee, Barredo, Villamor, and Makasiar, JJ., concur.

Ruiz Castro, J., on leave.

[1] The record of this case was received in the Supreme Court on June 21, 1971.

[2] Chapter VI of Act 926 (the old Public Land Law) is now found in Title II (Chapters III to VIII, inclusive, of Com. Act 141, the present Public Land Law.)

[3] *El Hogar Filipino vs. Olviga*, 60 Phil. 17; *Ramoso vs. Obligado*, 70 Phil. 86; *Duran vs. Olivia*, L-16589, Sept. 29, 1961, 3 SCRA 154; *De la Cruz vs. Reano*, L-29792, Aug. 31, 1970, 34 SCRA 585 (and the cases cited therein).

[4] 37 SCRA 346.

[5] Legarda vs. Saleeby, 31 Phil. 590; De Villa vs. Trinidad, G. R. No. L-24918, March 20, 1968, 22 SCRA 1167, 1174. See also Hodges vs. Dy Buncio, G. R. No. L-16096, Oct. 30, 1962, 6 SCRA 287; Register of Deeds vs. Philippine National Bank, L-17641, Jan. 30, 1965, 13 SCRA 46; Alzate vs. Philippine National Bank, L-20068, Jan. 26, 1967, 20 SCRA 422 (and cases cited therein).

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