

DIRECTOR OF LANDS, PETITIONER AND APPELLANT VS. PAULINO MANUEL, ET AL., RESPONDENTS AND APPELLEES.

G.R. No. L-19799. March 31, 1964

Ponente: BAUTISTA ANGELO, J.

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BAUTISTA ANGELO, J.:

On October 6, 1949, Paulino Manuel filed a homestead application with the Bureau of Lands covering Lot No. 6959 of Cadastre 211, Case 5, situated at Santiago, Isabela, to replace the homestead application he had previously filed in 1931 for the same lot which was lost or destroyed during the last war. On the strength of an affidavit submitted by Manuel to that effect, his homestead application was considered reconstituted and, accordingly, it was accepted and recorded as Homestead Application No. 197287.

On April 15, 1950, Homestead Application No. 197287 was approved as of August 23, 1948 for Lots Nos. 6959-A and 6960-A, of Cadastre 211, together with an area adjoining thereto denominated as Lot 3.

Upon investigation of said application, it was ascertained that the land applied for corresponds, to Lot 6959-A, and so on April 15, 1950, the Director of Lands issued an order amending the application so as to cover Lot 6959-A, and, accordingly, a patent was ordered to be issued therefor. On April 22, 1950, Homestead Patent No. V-5117 was issued to Paulino Manuel.

Upon a checking made by the Director of Lands of the record in his office subsequent to the issuance of the patent to Manuel, it was found that the land covered by the latter's patent is actually part of the land covered by Homestead Application No. V-4837 of Feliciano Valeroso. So an investigation was ordered during which Valeroso and Manuel presented evidence in support of their respective sides. It was in connection with this investigation that an affidavit executed by Manuel on April 28, 1949 came to light which partly explains the overlapping.

In this affidavit, Manuel stated that sometime in 1933 he filed a homestead application for a track of land which was approved in 1934; that one year after said approval, he transferred all his rights and interests in said land to Feliciano Valeroso; that all papers pertaining to said application and transfer were lost during the last war; that the said transfer was already approved; that Valeroso has continuously cleared and cultivated the land from 1934 to 1947; and that he was no longer interested in the land. And on the strength of this affidavit, Valeroso filed his Homestead Application No. 4837.

The Director of Lands rendered his decision on May 31, 1954 stating that as Paulino Manuel had already relinquished all his rights over the land long before a patent therefor was issued to him, he no longer had any right thereto and, consequently, Homestead Patent No. V-5117 was improperly issued to him.

As a consequence, a petition for cancellation of Homestead Patent No. V-5117 was filed by the Director of Lands on December 6, 1954, and after issues were joined and the case was ready for trial, the court a quo ordered petitioner to file a motion for summary judgment upon the theory that there was no genuine issue as to any

material fact.

Accordingly, a motion for summary judgment was filed by petitioner stating that his evidence consisted of Annexes A to H of the basic petition. Respondent filed his "Conformity to Summary Judgment" wherein he relied principally on Exhibits 1, 2 and 3 to support his side of the case. To this petitioner filed a reply, and, thereafter, the court a quo rendered judgment dismissing the petition for lack of merit.

Hence the present appeal.

In his basic petition, the Director of Lands stated that on October 6, 1949 Paulino Manuel filed a homestead application accompanied by an affidavit alleging that the land subject of his application was formerly covered by a previous application filed by him in 1931, the reforms of which were destroyed during the last war, and so he asked that the same be accepted and recorded to take the place of his former application; that this new homestead application was approved, and on April 22, 1950 Patent No. V-5117 was issued to Paulino Manuel for which a certificate of title was issued to him in accordance with Act 496; that upon subsequent investigation made by the Director of Lands, it was found that Manuel had already transferred whatever rights and interests he had in the land covered by his homestead application to Feliciano Valeroso as shown by an affidavit executed by the former on April 28, 1947, and on the strength of which Valeroso also filed a homestead application for the same land; that when Manuel reconstituted his destroyed homestead application he never revealed that he had already transferred to Valeroso whatever rights and interests he had in the land applied for, thus making the Director of Lands believe that he was entitled to acquire the land in question; and that in the light of the foregoing facts, the Director of Lands issued an order on May 31, 1954 declaring that Patent No. V-5117 had been improperly issued to Paulina Manuel and directing that proper action be taken for the cancellation of said patent. Said order became final and executory for lack of appeal.

In his answer, on the other hand, respondent Manuel admitted the foregoing facts, but with the following qualifications: that in 1931 he filed homestead application for an area of about 12 hectares which was approved sometime in 1932; that in 1939, after clearing a portion of 5 hectares with one Marcelo. Esteban, as helper, he returned to his native town because of illness and when he returned he gave up the idea of clearing the rest of the land which by then was being cleared by one Feliciano Valeroso, and so he decided to confine his application to that portion of 5 hectares, while he transferred whatever, rights and interests he had in the rest amounting to 7 hectares to Feliciano Valeroso; and that when he asked for the reconstitution of his original homestead applies, As new application was merely confined to that por of S hectares for which a homestead patent was issued to hiia with the corresponding certificate of title. He denied that he transferred all his rights and interests in the whole land originally applied for by him consisting: of 12 hectares.

On the strength of the foregoing allegations, the court a quo considered that the pleadings did not raise any genuine issue as to any material fact and so it ordered the parties to submit the case on a motion for summary judgment. Petitioner so acquiesced and filed a motion for summary judgment. Respondent likewise expressed his conformity thereto, but submitted three affidavits in support of the facts averred by him in his answer. In reply, petitioner alleged that it was improper for respondent to bring out the facts stated in his three affidavits considering that the same had already been passed upon by the Director of Lands in the administrative investigation conducted between Paulino Manuel and Feliciano Valeroso in connection with the conflict that arose between them regarding the parcels of land covered by their respective homestead applications. And now it is claimed that the decision rendered by the Director of Lands on the matter has long become final and executory and the same is now binding upon respondent because of his failure to appeal as required by law. The issue now is: Is this decision now conclusive on respondent Manuel in the instant case?

The pertinent portion of the decision above referred reads:

"At the investigation, Feliciano Valeroso testified that the land applied for was transferred to him for many years prior to the last war by Paulino Manuel who was the original applicant of the land; that after the transfer was approved, Manuel left the land; and that Valeroso has been in the actual occupation and cultivation of the entire tract of land from the time he acquired the same up to 1951, when the disputed portion was taken from him by Marcelo Esteban, the nephew-in-law of Paulino Manuel, on the ground that the same is already patented in the name of Manuel.

"On the other hand, Paulino Manuel denied having relinquished his rights to the entire lot. He testified that he transferred to Valeroso only about 7 hectares as compensation or a reward for cultivating his land during his absence when he went to Tarlac and stayed there for several years.

"It is the opinion of this Office that Paulino Manuel had no more right to the disputed land at the time the patent therefore was issued to him. The preponderant evidence on record proves that he had previously relinquished all his rights to the entire land now covered by Valeroso's application, but that in spite of said relinquishment, he (Manuel) employed fraudulent means to have the disputed portion patented in his name.

"Paulino Manuel did not deny the genuineness and due execution of the affidavit executed by him on April 28, 1947, in which he acknowledged that he transferred the entire tract to Valeroso in 1933 and that he (Manuel) was no longer interested in the land. It is flimsy and incredible for him now to allege that he did not know the contents thereof and that he intended to transfer only the portion of about 7 hectares situated in Alicia, Isabela. It has been satisfactorily established that he had abandoned the land after the relinquishment to Valeroso who has continuously possessed the entire tract, including the patented portion, since 1933 until 1951 when the controverted portion was grabbed from him by Marcelo Esteban."

The affidavit executed by respondent on April 28, 1947 before Public Lands Inspector Alejandro Ramos, also reads:

"That I filed said application sometime in 1933 and approved in the year 1934;

That one year after the approval, I transferred all my rights to and interests in said land to Feliciano Valeroso;

That said land was continuously cleared and cultivated by said Feliciano Valeroso after the transfer was consummated in 1934 to the present time;

That all papers pertaining to said application and transfer were lost during the war;

That the land was cadastrally surveyed but I can no longer remember the lot number;

That I am again reiterating: that said transfer was really made and already approved and that I am still and always been, after the transfer was made, no longer interested in the land."

Considering that the question relative to the transfer of the rights and interests of respondent to Feliciano Valeroso in the land in question has already been passed upon by the Director of Lands in the sense that the preponderance of evidence shows that the former had previously relinquished all his rights to the entire land now covered by the latter's application but that in spite of said relinquishment he employed fraudulent means to have the disputed portion patented in his name, and this decision having become final and executory for lack of appeal on the part of respondent, the same cannot now be looked into. This is more so when this decision finds full support in the affidavit of respondent the content of which is quoted above:

There is, therefore, no other alternative than to hold that the patent issued to respondent is null and void, and the certificate of title issued thereunder should be set aside.

WHEREFORE, the decision appealed from is hereby reversed. The court declares Patent No. V-5117 issued to respondent null and void, as well as the certificate of title issued in accordance therewith. Costs against respondent Paulino Manuel.

Bengzon, C. J., Padilla, Labrador, Reyes, J. B. L., Barrera, Paredes, Dizon, Regala and Makalintal, JJ., concur.
Concepcion, J., took no part.

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