

HILDA WALSTROM, PETITIONER-APPELLANT, VS. FERNANDO MAPA, JR., VICTORINO A. MAPA, MARIA C. M. DE GOCO, FERNANDO MAPA, III, MARIO L. MAPA, AND THE REGISTER OF DEEDS OF THE PROVINCE...

G.R. No. L-38387. January 29, 1990

Ponente: SARMIENTO, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/0db2e3418789/>

SARMIENTO, J.:

This is a review of the Order dated December 1, 1973 of the then Court of First Instance of Baguio-Benguet, Branch IV, which dismissed, before trial on the merits, the petitioner's complaint in Civil Case No. 2434. The concluding portion of the assailed order states:

This Court is unprepared to consider this case as falling under any of the exceptions to the rule on exhaustion of administrative remedies because under plaintiff's allegations, her "Petition for Relief" is still pending resolution by the Secretary of Agriculture and Natural Resources who may reconsider his action on the matter in dispute; and, furthermore, an action for annulment of title issued pursuant to a patent must be initiated by the Director of Lands or at least by his prior authority and consent (Kabayan (sic)[1] vs. Republic, L-33307, August 30, 1973) who may be directed by the Secretary for that purpose if plaintiff's "Petition for Relief" is granted and the previous action reconsidered. The records fail to show that such authority or consent has been secured by the plaintiff before instituting the present action.

A motion to dismiss of this nature does not affect the jurisdiction of the court but shows that plaintiff lacks a cause of action. (Commissioner of Immigration vs. Vamenta, Jr., 45 SCRA 342.) In other words, non-compliance with this requirement justifies the dismissal for lack of cause of action. (Cruz vs. Del Rosario, 9 SCRA 755.)

WHEREFORE, the Court, finding the motion to dismiss to be in order, hereby orders the dismissal of the case without pronouncement as to costs.

SO ORDERED.[2]

This drawn-out controversy between the parties, which is one of the many cases we inherited from the pre-EDSA Court, arose from the following facts and proceedings:

I.

(1) The petitioner alleges that long before World War II, Cacao Dianson, predecessor-in-interest of Gabriela Walstrom, filed a Free Patent Application (FPA) for a parcel of land located between what are known as Lots Nos. 1 and 2 of Psu-153657. Under the said Free Patent Application, Cacao Dianson was able to secure on April 10, 1933 the issuance of Free Patent No. 14885 and Original Certificate of Title No. 1217 in his name.

(2) On June 9, 1933, Josefa Abaya Mapa, predecessor-in-interest of the private respondents, filed Miscellaneous Sales Application No. 6439 for a parcel of land located in barrio Pico, municipality of La Trinidad, Mountain

Province.

(3) According to the petitioner, a public auction of the land subject of Josefa Abaya Mapa's miscellaneous sales application was held on April 18, 1934. Josefa Abaya Mapa was the only bidder.

(4) On May 12, 1934, the Director of Lands awarded Josefa Abaya Mapa a tract of land with an area of 2,800 square meters which was appraised at P0.05 per square meter, located in Pico, La Trinidad, Mountain Province, with the following boundaries: N. — Public Land; S.E. — Public Land; S. — Road; W. — Public Land (not surveyed). No improvements had been made on the land.

(5) On June 1, 1956, Cacao Dianson filed Free Patent Application No. 3-74 covering Lots Nos. 1, 2, and 3 of Psu-153657, situated in Barrio Beckel, La Trinidad, Mountain Province, and on the same date he filed with the District Land Office in Baguio City a letter protesting the construction in April, 1956 by Josefa Abaya Mapa of a camarin on the parcel of land (described as "portion A") of one of the parcels of land — more specifically, Lot No. 1 of Psu-153657 — covered by Dianson's FPA No. 3-74.[3]

(6) The private respondents counter that this portion being claimed by Dianson, which is designated as Portion "A" of Lot 1, Psu-153657, was already awarded to Josefa Abaya Mapa in the public bidding held in 1934.

(7) On June 17, 1958, the controversy between Cacao Dianson and Josefa Abaya Mapa with respect to the disputed property was referred to Bureau of Lands Investigator Antonio Mejia for investigation. After conducting several hearings and making an ocular inspection of the controverted premises, Mejia submitted his "Report of Investigation," wherein he stated the following:

FINDINGS OF FACTS

Josefa Mapa Abaya has filed a Miscellaneous Sales Application for a parcel of land located in Pico, La Trinidad, Mt. Province, on June 9, 1933 and the same was awarded to her on May 12, 1934. The land has an area of 2800 square meters with the following boundaries: North-Public Land, South-East-Public Land, South-Road and West-Public Land.

The purchase price has been paid in full in 1943 as per Official Receipt No. B-1982778 dated November 8, 1943.

The land was first applied for by her husband, Fernando Mapa, but it was later transferred to Josefa Mapa Abaya.

Cacao Dianson filed a Free Patent Application for the same parcel of land on June 1, 1956, alleging that the said land was first occupied by his father, Dianson, in 1884. The land has been surveyed under Psu-153657 on September 10, 1956.

Cacao Dianson is occupying the land and has fenced it. Josefa Mapa Abaya has constructed a sort of a shack near the land. Terraces were made by Cacao Dianson in the premises. Cacao Dianson has also constructed a shack inside the land.

No survey appears to have been conducted on the land covered by the Miscellaneous Sales Application of Josefa Mapa Abaya.

Rodrigo H. Romea conducted a survey on the land. However, Mr. Romea made two surveys separately. One on the land pointed to her by Josefa Mapa Abaya and the other, on the land which according to his findings and opinion would be the correct place of the land covered by the application of Josefa Mapa Abaya.

Lands Investigator Mejia also found that:

During the ocular inspection of the land, it was found out that Mrs. Josefa Mapa Abaya has constructed a shack near the road. On the other hand, Cacao Dianson has also constructed a hut in the premises of the said land. In fact, Cacao Dianson was in a threatening mood against the Mapas during the ocular inspection. Of the alleged improvements introduced by Mrs. Josefa Mapa Abaya, they were not seen by the herein Investigator, except the shack constructed by her. However, rice terraces were found in the premises and other plants, but from the appearance of the said improvements, it seems to be recently introduced.

This Investigator has searched all the records in the Office of the Bureau of Lands, Baguio City, but no available records could be found regarding the location of the land applied for by Josefa Mapa Abaya. A verification of the records, however, show that Cacao Dianson has sold the land applied for by him to a certain Agripino Farol, a resident of Davao.[4]

(8) The regional land officer of Dagupan City, in a decision dated August 12, 1964, resolved the controversy between Cacao Dianson and Josefa Abaya Mapa in this wise:

In view of the foregoing, the undersigned holds and so decides that Free Patent Application No. 3-74 of Cacao Dianson be, as hereby it is, amended so as to exclude therefrom Portion "A" of Lot No. 1, Psu-153657, as shown on the sketch drawn at the back hereof and shall cover only portion "B" of Lot No. 1, Lots 2 and 3 of Psu-153657, and the Miscellaneous Sales Application No. 6439 (E-1341) of Josefa Abaya Mapa shall cover said portion "A" of Lot No. 1, Psu-153657 and thereafter both applications shall continue to be given due course.[5]

(9) In the meantime, Cacao Dianson died on August 7, 1964. Nearly two years later, on July 8, 1966, Gabriela Walstrom filed a motion for consideration with the Director of Lands of the decision dated August 12, 1964 of the regional land officer, claiming that she had acquired the rights and interests of Cacao Dianson to the subject parcel of land by virtue of a transfer of said rights and interests by Dianson to one Agripino Farol who, in turn, transferred the same rights and interests to Gabriela Walstrom.

(10) On September 9, 1966, the Director of Lands, acting on the motion for reconsideration filed by Gabriela Walstrom, issued an order setting aside the decision of August 12, 1964 of the district land officer of Dagupan City.

(11) On November 9, 1966, Josefa Abaya Mapa appealed the order dated September 9, 1966 of the Director of Lands to the Department of Agriculture and Natural Resources (DANR).

This became DANR Case No. 3118.

II.

(1) On July 28, 1967, the DANR Secretary rendered a decision, dismissing Josefa Abaya Mapa's appeal from the order dated September 9, 1966 of the Director of Lands.

(2) On September 21, 1967, the heirs of Josefa Abaya Mapa, through their judicial administrator, Victorino Mapa, filed a motion for reconsideration of the decision of the DANR promulgated on July 28, 1967.

(3) On June 13, 1968, the DANR Secretary set aside the order of the Director of Lands dated September 9, 1966 and ordered that the decision of the regional land officer in Dagupan City dated August 12, 1964 be reinstated and given full force and effect.

(4) On July 30, 1968, counsel of Gabriela Walstrom manifested his intention to file a motion for reconsideration against the DANR order, June 13, 1968, but it was only on September 20, 1968 that a memorandum in support of his motion for reconsideration was filed.

(5) On March 4, 1969, DANR Secretary Fernando Lopez promulgated an order denying the motion for reconsideration of Gabriela Walstrom on two (2) grounds, as follows:

1. From the foregoing, it is clear that more than thirty days had elapsed from the time plaintiff received the order she is seeking to be reconsidered to the time she manifested any intention to have the same reconsidered. Such being the case, her motion does not merit any consideration whatsoever for having been filed out of time.
2. Nevertheless, this office reviewed the records of this case in view of the errors mentioned by movant in her memorandum and the answer thereto filed by defendant. This office, however, does not find any reversible error in its Order of June 13, 1968.[6]

(6) Gabriela Walstrom filed a second motion for reconsideration of the Order of the DANR dated June 13, 1968. In the meantime Mapa filed a motion for execution of the said order of DANR.

(7) The DANR, in its order dated March 24, 1970, denied the second motion for reconsideration of Walstrom and granted the motion for execution filed by the heirs of Josefa Abaya Mapa.

(8) On June 8, 1970, Gabriela Walstrom filed a petition for relief with the DANR. Before her petition was heard, she died on October 4, 1970. The heirs of Josefa Abaya Mapa, pursuing the case, filed an answer dated March 29, 1972, to the petition of Walstrom, stating that:

Preliminary Statement

The land being controverted by Appellee Walstrom was the subject of the Miscellaneous Sales Application and not a Homestead Patent Application. The property now being contested by Appellee Walstrom is already titled in the name of the HEIRS OF JOSEFA ABAYA MAPA, under original Certificate of Title No. P-456 of the Registry of Deeds for the Province of Benguet, pursuant to a Miscellaneous Sales Patent No. 4487. This property, therefore, is now under the Torrens System.

It is also worthwhile to note that the land in question is only a small portion of the claim of Cacao Dianson and Walstrom. This is the land in question particularly designated as Portion "A" of Lot 1, Psu-153657.[7]

(Emphasis supplied by petitioner Walstrom)

It was only upon receipt on April 11, 1972 of the above-stated answer of the heirs of Josefa Abaya Mapa to the petition for relief of the late Gabriela Walstrom, that the herein petitioner Hilda Walstrom, daughter and successor-in-interest of the late Gabriela, learned for the first time that the property being contested by Walstrom was already titled in the name of the heirs of Josefa Abaya Mapa, under Original Certificate of Title No. P-456 of the Registry of Deeds for the Province of Benguet, pursuant to Miscellaneous Sales Patent No. 4487.[8]

III.

Upon subsequent inquiry with respect to the claim of the heirs of Josefa Abaya Mapa that the property in dispute in DANR Case No. 3118 had already been titled pursuant to Miscellaneous Sales Patent No. 4487, the petitioner further became aware, also for the first time, that Miscellaneous Sales Patent No. 4487 was issued by the DANR Secretary on July 19, 1971 and released for transmittal to the office of the Register of Deeds for Benguet Province on July 22, 1971; that on September 30, 1971, respondent register of deeds issued Original Certificate of Title No. P-456, pursuant to Miscellaneous Sales Patent No. 4487; and that on or about November 13, 1971, respondent Fernando Mapa, Jr. transferred the property covered by Original Certificate of Title No. P-456 to the other heirs of Josefa Abaya Mapa, namely, defendants Victorino A. Mapa, Jose A. Mapa, Maria C.M. de Goco, Fernando Mapa III, and Mario L. Mapa, in connection with which transfer, Transfer Certificate of Title No. T-6644 was issued by the Register of Deeds of Benguet.[9]

During all this time, the petition for relief filed by Gabriela Walstrom on June 8, 1970 remained unresolved. In fact, the DANR Secretary issued an order, dated January 9, 1972, giving due course to the said petition. According to petitioner Hilda Walstrom, she was compelled to file an action in the then Court of First Instance of Baguio-Benguet on July 19, 1972 because the one-year prescriptive period for seeking judicial relief provided for in Sec. 38 of the Land Registration Act was about to lapse.

The court a quo dismissed petitioner Hilda Walstrom's petition on the ground of "failure to exhaust administrative remedies."

Hence, this petition.

The petitioner submits two questions:

I.

DID PETITIONER-APPELLEE (sic) REALLY FAIL TO EXHAUST ADMINISTRATIVE REMEDIES?

II.

IN THE LIGHT OF THE FACT THAT THE DISPUTED MISCELLANEOUS SALES PATENT WAS ISSUED ON JUNE 19, 1971, DOES THE FACT THAT THE PETITION FOR REVIEW IN DANR CASE NO. 3118 HAD NOT YET BEEN RESOLVED AS OF JULY 19, 1972, PRECLUDE PETITIONER-APPELLANT FROM FILING ON SAID DATE (JULY 19, 1972) HER SUIT TO ANNUL SAID SALES PATENT AND THE TORRENS CERTIFICATES OF TITLE ISSUED BY THE REGISTER OF DEEDS BY VIRTUE THEREOF?[10]

Petitioner Hilda Walstrom filed a civil complaint against the respondents praying for the nullification of the Mapas' sales patent and certificates of title issued by the register of deeds of Benguet Province[11] under Section 38 of Act 496 or the Land Registration Act.

The pertinent portions of Section 38 of said Act are quoted as follows:

Sec. 38. Decree of registration and remedies after entry of decree.

If the court after hearing finds that the applicant or adverse claimant has title as stated in his application or adverse claim and proper for registration, a decree of confirmation and registration shall be entered. Every decree of registration shall bind the land, and quiet title thereto, subject only to the exceptions stated in the following section. It shall be conclusive upon and against all persons, including the Insular Government and all the branches thereof, whether mentioned by name in the application, notice of citation, or included in the general description "To all whom it may concern." Such decree shall not be opened by reason of the absence, infancy, or other disability of any person affected thereby, nor by any proceeding in any court for reversing judgments or decrees; subject, however, to the right of any person deprived of land or of any estate or interest therein by decree of registration obtained by fraud to file in the competent Court of First Instance a petition for review within one year after entry of the decree provided no innocent purchaser for value has acquired an interest. x x x.

It is the teaching of the foregoing provisions that a decree of registration may be reopened or reviewed by the proper Regional Trial Court upon the concurrence of five essential requisites, to wit: (a) that the petitioner has a real and dominical right; (b) that he has been deprived thereof; (c) through fraud; (d) that the petition is filed within one year from the issuance of the decree; and (e) that the property has not as yet been transferred to an innocent purchaser for value.[12]

An examination of the records of the case shows non-concurrence of the essential elements enumerated above.

The first element is patently not present because the petitioner can not allege that she has already a real and dominical right to the piece of property in controversy. The latest order of the DANR Secretary, dated June 13, 1968, was to give full force and effect to the regional land officer's decision, dated August 12, 1964.[13] The regional land officer held that the petitioner's Free Patent Application No. 3-74, shall exclude the disputed portion "A" of Lot No. 1, which, instead, shall be included in the Mapas' Miscellaneous Sales Application.

The second element is also absent since corollary to the aforecited ruling of the DANR Secretary, the petitioner can not aver that she was deprived of property because she did not have a real right over portion "A".

Apropos the third element, the records are bereft of any indication that there was fraud in the issuance of the certificates of title. As matters stand, the prerequisites have not been complied with. The petitioner's recourse to Section 38 would not have prospered; accordingly, the respondent court's dismissal of petitioner's complaint was proper.

We also find that the lower court was correct in holding that the case does not fall under any of the exceptions to the rule on exhaustion of administrative remedies. The petitioner herself admits that her petition for relief is still pending resolution by the Secretary of Agriculture and Natural Resources who may reconsider his action on the matter in dispute. The petitioner's failure to exhaust administrative remedies is a flaw which to our mind is fatal to a court review at this time.[14]

Instead of invoking Section 38, the petitioner should have pressed for the speedy resolution of her petition with the DANR. The petitioner avers that since the one-year prescriptive period for seeking judicial relief provided for in Sec. 38 of the Land Registration Act was about to lapse, she was compelled to file the action to nullify said patent.[15] The petitioner's submission is not correct. Her fear of the futility, or even only inefficacy, of exhausting the administrative remedies granted her by law is clearly unfounded.

We have ruled before in *Amerol vs. Bagumbaran*[16] that notwithstanding the irrevocability of the Torrens title already issued in the name of another person, he can still be compelled under the law to reconvey the subject property to the rightful owner. The property registered is deemed to be held in trust for the real owner by the person in whose name it is registered. After all, the Torrens system was not designed to shield and protect one who had committed fraud or misrepresentation and thus holds title in bad faith.[17]

In an action for reconveyance, the decree of registration is respected as incontrovertible. What is sought instead is the transfer of the property, in this case the title thereof, which has been wrongfully or erroneously registered in another person's name, to its rightful and legal owner, or to one with a better right. This is what reconveyance is all about.[18]

Yet, the right to seek reconveyance based on an implied or constructive trust is not absolute nor is it imprescriptible. An action for reconveyance based on an implied or constructive trust must perforce prescribe in ten years from the issuance of the Torrens title over the property.[19]

We find no reversible error in the challenged order of the trial court.

WHEREFORE, the petition is DENIED. No costs.

SO ORDERED.

Melencio-Herrera, (Chairman), Paras, Padilla, and Regalado, JJ., concur.

- [1] *Kayaban vs. Republic*, No. L-33307, August 30, 1973, 52 SCRA 357.
- [2] Rollo, 83-84, Order of Judge Sinforoso Fañgonil.
- [3] *Id.*, Complaint, 4.
- [4] *Id.*, 29-31.
- [5] *Id.*, 31.
- [6] *Id.*, 56.
- [7] *Id.*, 17-18.
- [8] *Id.*, 18.
- [9] *Id.*, 46-47.
- [10] *Id.*, 20.
- [11] *Id.*, 26.
- [12] *Director of Lands vs. CFI of Rizal*, Br. XII, No. L-31681, July 31, 1987, 152 SCRA 493.
- [13] Rollo, 31.
- [14] *National Development Company vs. Hevilla*, No. L-65718, June 30, 1987, 151 SCRA 520.
- [15] Rollo, 22.
- [16] No. L-33261, September 30, 1987, 154 SCRA 396.
- [17] *Amerol*, *supra*, 404.
- [18] *Supra*.
- [19] *Supra*, 407, citing *Heirs of Tamak Pangawaran Patiwayan vs. Martinez*, No. L-49027, June 10, 1986, 142 SCRA 252; *Amansec vs. Melendez*, No. L-25422, July 23, 1980, 98 SCRA 639; *Armamento vs. Guerrero*, No. L-34228, February 21, 1980, 96 SCRA 178; *Duque vs. Domingo*, No. L-33762, December 29, 1977, 80 SCRA 654; *Vda. de Nacalaban vs. Court of Appeals*, No. L-39478, November 29, 1977, 80 SCRA 428; *Ruiz vs. Court of Appeals*, No. L-29213, October 21, 1977, 79 SCRA 525; *Jaramil vs. Court of Appeals*, No. L-31858, August 31, 1977, 78 SCRA 420; *Carantes vs. Court of Appeals*, No. L-33360, April 25, 1977, 76 SCRA 514; *Dela Cerna vs. Dela Cerna*, No. L-28838, August 31, 1976, 72 SCRA 514; *Cuaycong, et al. vs. Cuaycong, et al.*, No. L-21616, December 11, 1967, 21 SCRA 1192; *Gonzales vs. Jimenez, Sr.*, No. L-19073, January 30, 1965, 13 SCRA 80.

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.