

LEONARDO T. JOSON AND MIGRADEL DEL BARRIO VDA. DE SINAGUINAN, PETITIONERS-APPELLANTS, VS. THE SECRETARY OF AGRICULTURE AND NATURAL RESOURCES AND THE SOCIEDAD AGRICOLA DE BALARIN...

G.R. No. L-23533. January 30, 1970

Ponente: MAKALINTAL, J.

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MAKALINTAL, J.:

The Court of First Instance of Nueva Ecija, in a decision rendered on July 31, 1964 in its Civil Case No. 21325, dismissed the petition for certiorari filed by herein appellants, in which they prayed that:

"Judgment be rendered annulling all the proceedings before, and all orders and decisions of, the respondent Secretary of Agriculture and Natural Resources regarding Lots Nos. 3804, 3805 and 3806, D.A.N.R. Case No. 575-B, or at least, with respect to the said order of August 24, 1960, all findings of facts, conclusions, and pronouncements with respect to Lots Nos. 3804, 3805 and 3806, and the homestead applicants Montano Villarama, Leonardo T. Joson and Felipe Sinaguinan, as well as all matters, relating to the home-stead applications of these persons and the patents issued in their favor particularly the above-quoted findings and condemnations, be eliminated from the said order."

The case started with an investigation conducted by the Bureau of Lands concerning Sales Application No. 6541 of herein respondent Sociedad Agricola de Balarin, covering a tract of land with an area of about 459 hectares situated in Balarin, Cabanatuan, Nueva Ecija, and composed of lots Nos. 3807, 3809, 3810, 3811, 3812, 3814, 3815, 2254, 2255, 2256, 2257, 2259-B, 1284, 1285 and 2240 of the Cabanatuan Cadastre. Two orders were issued by the Director of Lands as a result of that investigation - the first on January 21, 1957 and the second, amending the first, on December 20 of the same year. In this second order it was declared:

"The Sales Application No. 6541 of the Sociedad Agricola de Balarin shall be reinstated and amended to include therein the portion of Lot No. 3807 allocated to Victor Eusebio in his Lease Application No. V-79, but excluding therefrom the rest of Lot No. 3807 mentioned in the same decision^[1] to be subdivided into small farm lots of not more than five (5) hectares, the area reserved for barrio and school sites and the lots already patented to other occupants."

From the aforesaid order two appeals were taken to the Secretary of Agriculture and Natural Resources: one by Victor Eusebio, et al., docketed as D.A.N.R. Case No. 575; and the other by the Sociedad Agricola de Balarin, docketed as D.A.N.R. Case No. 575-B, from that part of the decision excluding from Lot No. 3807 the areas to be subdivided into farm lots and reserved for barrio and school sites and the "lots already patented to other occupants." Case No. 575-B, captioned with the Sociedad Agricola de Balarin as applicant-appellant and Montano Villarama, Leonardo T. Joson, Felipe Sinaguinan and Crispulo Ceña as applicants-respondents, referred particularly to lots Nos. 3804, 3805, 3806 and 3810-A, Cadastral Case No. 51 of Cabanatuan City.

It appears that lot No. 3804 had been acquired by Montano Villarama under Homestead Application No. V-43168

and patented and registered in his name since March 9, 1952 under Original Certificate of Title No. P-196 of the Register of Deeds of Cabanatuan City, and that the same had been sold to Leonardo T. Joson on June 13, 1958; that lot No. 3505 had been acquired by Joson under Homestead Application No. V-43162 and patented and registered in his name on October 24, 1951, under Original Certificate of Title No. P-135; and that lot No. 3806 had likewise been acquired by Felipe Sinaguinan under Homestead Application No. V-43167, and patented and registered in his name on August 2, 1954, under Original Certificate of Title No. P-322. Crispulo Ceña obtained his certificate of title No. P-19 under similar circumstances.

On April 11, 1960 the Acting Secretary of Agriculture and Natural Resources issued an order which reads in part as follows:

"By way of supporting its appeal, the Sociedad Agricola de Balarin alleges that the above-mentioned lots had long ago been covered by its Sales Application No. 6541; that it acquired these lots from previous applicants long before the last Pacific War; that it has been the one occupying and cultivating the said lots; and that the patents granted to the appellees were acquired between the years 1951 and 1957 when the "ownership and rights acquired under S.A. No. 6541 were under litigation and not yet resolved." So that these patents were obtained fraudulently.

From the indication in the Records, it does not appear that the conflict between Sales Application No. 6541 of the Sociedad Agricola de Balarin, on one hand, and Homestead Applications Nos. V-43168, V-43162, V-43167 and 117040 of Montano Villarama, Leonardo T. Joson, Felipe Sinaguinan and Crispulo Ceña, respectively, on the other, has ever been investigated notwithstanding the fact that the land covered by the said sales application had been the subject of numerous investigations. In order, therefore, to prevent a possible miscarriage of justice, this case is hereby remanded to the Director of Lands for further proceedings pursuant to Sections 6 and 7 of Lands Administrative Order No. 6 and to decide the case in accordance with the rules and regulations governing the matter. Consequently, the effects of the order of the Director of Lands dated December 20, 1957, in so far as they affect the Sociedad Agricola de Balarin, Montano Villarama, Leonardo T. Joson, Felipe Sinaguinan and Crispulo Ceña are hereby set aside.

Leonardo T. Joson, Felipe Sinaguinan and Crispulo Ceña moved separately for the reconsideration of the foregoing order, alleging that since the lots mentioned therein were already covered by certificates of title issued pursuant to the corresponding homestead patents in their favor, the same had ceased to be parts of the public domain and hence were outside the control and jurisdiction of the Bureau of Lands or of the Department of Agriculture and Natural Resources.

On August 24, 1960 the Secretary of Agriculture and Natural Resources issued an order wherein, after reviewing the history of each of the homestead applications which led to the issuance of the corresponding titles, he made the following findings and disposition:

"It will be noted that the Sociedad Agricola de Balarin was already the owner of Lots Nos. 3804, 3805, 3806 and 3810-A (Now Lot No. 4413) long before the last Global War by lawful acquisition thereof from previous applicants therefor. The evidence of records shows that it never relinquished its claims thereto. As a matter of fact, it restated its claim to those lots on the first opportunity after the said Global War when in July, 1950, thru its representative in the person of Mrs. Veronica Vda. de Lacalle, it gave notice to the Bureau of Lands in Manila of its protest against the persons who had manifested and shown interest in acquiring them. It will also be noted that the homestead applications of Montano Villarama and Felipe Sinaguinan were filed on the same date, that is, August 30, 1950, while that of Leonardo T. Joson was filed on August 31, 1950, so that when their applications were filed, they already knew of the claim of the Sociedad Agricola de Balarin to the aforementioned lots. With respect to Crispulo Ceña, he always knew of the claim of the Partnership because he had long ago sold his rights to it. They were, therefore, homestead applicants in bad faith. Under the circumstances and as the conflict between Sales Application No. 6541 of the Sociedad Agricola de Balarin, on

one hand, and the aforesaid four homestead applications, on the other, was still pending determination when the homestead patents were issued, the issuance of those patents was basically irregular and highly fraudulent.

"We have observed that there was a deliberate intent to hasten the issuance of the homestead patents, evidently to hoodwink and to catch unaware the Sociedad Agricola de Balarin. This is shown by the approvals of the applications, which were made retroactive in order to accommodate and make the final proofs acceptable before the expiration of one year from the said approvals. It appears that the approvals of the applications of Montano Villarama and Felipe Sinaguinan were made retroactive as of the date of their filing on August 30, 1950. The application of Leonardo T. Joson was filed on August 31, 1950, but the approval was made retroactive as of May 1, 1950. The order of approval, in so far as it refers to the retroactiveness of the date simple reason that an application cannot be approved before it is filed, acknowledged and recorded (sic). Parenthetically, and as the common saying goes, 'the water cannot rise higher than its source.'

"It does not appear, however that the Sociedad Agricola de Balarin had filed a petition in court for the cancellation of Original Certificates of Title Nos. P-196, P-135, P-322 and P-19 issued in favor of Montano Villarama, Leonardo T. Joson, Felipe Sinaguinan and Crispulo Ceña, respectively, within one (1) year from such issuance. Consequently, these titles are already irrevocable. It is now well-settled rule in this jurisdiction that a homestead patent issued in pursuance of the Public Land Law has the same indefeasibility as that issued under Act No. 496 (otherwise known as the Land Registration Law) after one (1) year from its issuance. 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 public domain and becomes indefeasible and incontrovertible upon the expiration of one year from the date of issuance thereof." (Lucas vs. Durian, G.R. No. L-7886, promulgated September 23, 1957). This ruling was reinstated by the Supreme Court in the case of the Director of Lands vs. The Heirs of Ciriaco Carlo, et al., G.R. No. L-2485, promulgated July 11, 1959.

"WHEREFORE, the order entered on these cases on April 11, 1960 is hereby set aside and the Sales Application No. 6541 of the Sociedad Agricola de Balarin, amended by excluding from the land covered thereby lots Nos. 3804, 3805, 3806 and 3810-A (Now lot No. 4413), Cabanatuan Cadastre No. 51. Consequently, the decision of this Office rendered on D.A.N.R. Case No. 575-A (sic) is hereby modified by eliminating therefrom the second paragraph of the dispositive portions thereof. As thus amended, the said sales application shall be given due course.

"Sufficient evidence being on hand showing fraud and irregularity in the issuance of the patents in favor of Montano Villarama, Leonardo T. Joson, Felipe Sinaguinan and Crispulo Ceña, the Director of Lands is hereby directed to conduct thorough investigation for purposes of ascertaining and pin-pointing the officials and employees of his Bureau, who are responsible for such fraud and irregularity and to submit his report within thirty (30) days from his receipt of a copy hereof."

On November 2, 1960 Leonardo T. Joson, for himself and as vendee of Montano Villarama with respect to lot No. 3804, moved to reconsider the order of August 24, 1960, praying "that the appeal of the Sociedad Agricola de Balarin re lots 3804 and 3805 be dismissed outright, or, at least, the order of this office dated August 24, 1960 be amended as to eliminate therein all holdings, manifestations and conclusions condemning Montano Villarama and Leonardo T. Joson as abovestated." The motion was denied in an order dated December 21, 1960, and Joson then went to the Court of First Instance of Nueva Ecija on a special civil action for certiorari,[2] together with the widow of Felipe Sinaguinan, then already deceased. The petitioners there alleged that respondent Secretary of Agriculture and Natural Resources acted without or in excess of jurisdiction, or with grave abuse of discretion, in entertaining the appeal of the Sociedad Agricola with respect to lots Nos. 3804, 3805 and 3806 because they were not included in the investigation originally ordered and conducted by the Bureau of Lands, nor in his decision rendered as a result of that investigation; and in making his findings of fraud and irregularities against petitioners without giving them an opportunity to be heard and to present their evidence.

The Court of First Instance denied the petition, and petitioner forthwith interposed the present appeal from the decision.

We do not see that the lower court erred in so deciding, and finding that respondent Secretary acted without or in excess of jurisdiction or committed a grave abuse of discretion.

In the first place, petitioners obtained a favorable ruling from said respondent on their motion for reconsideration of the order of April 11, 1960, when the Secretary held, in his order of August 24, 1960, that petitioners' titles to the lots in question had become indefeasible. True it is that the same order contains findings of fraud and irregularities in connection with the issuance of the home-stead patents to petitioners, but said findings, according to respondent, were based on the records before him, and made with a view to a "thorough investigation for purposes of ascertaining and pin-pointing the officials and employees (of the Bureau of Lands) who are responsible for such fraud and irregularity." Those findings were certainly within the competence and authority of respondent Secretary to make, for the specific purpose intended, in the exercise of his administrative power of supervision over the officials and employees under him. And as to their correctness, the same cannot properly be reviewed by the courts particularly in a special civil action for certiorari.

Petitioners have raised the issue of due process, alleging that they had not been heard before the condemnatory findings were arrived at. This issue was correctly disposed of in the order of December 2, 1960, wherein respondent Secretary stated:

"In our order of April 11, 1960, we directed a formal investigation of this case so that he (petitioner Joson) could be given all the chances to present his side of the case. Since he objected to that order and as we found his objection to be well taken, we set the same aside and did away with a formal investigation. Now he comes and says that he has not been afforded "Due Process of Law." Nevertheless, he can still have the opportunity to take advantage of a due process of law if he appears as an interested party at, and cooperate in, the investigation directed to be made in the last paragraph of the aforementioned order (of August 24, 1960)."

In any event, the order complained of in the instant case has practically become *functus officio*. It appears from the motion to dismiss filed in the Court below by respondent Sociedad Agricola de Balarin on April 30, 1964, that in July 1962, even ahead of the petition for certiorari, the Republic of the Philippines through the Director of Lands filed complaints for reversion against herein petitioners, precisely for the annulment of the patents and titles issued for the lots involved in the present case. Said complaints were docketed as Case No. 3972, against Leonardo T. Joson, et al., and Case No. 3976, against Migradel del Barrio Vda. de Sinaguinan, both in the Court of First Instance of Nueva Ecija. Needless to say, the matters objected to by petitioners in the order of respondent Secretary dated August 24, 1960, being also involved in those cases, will be thoroughly ventilated therein, thus affording petitioners full opportunity to present their side in accordance with the requirements of due process.

WHEREFORE, the decision appealed from is affirmed, with costs against petitioners-appellants.

Concepcion, C.J., Reyes, J.B.L., Dizon, Zaldivar, Sanchez, Castro, Fernando, Teehankee, and Barredo, JJ., concur.

[1] Of January 21, 1957.

[2] Filed on November 12, 1962.

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