

**REPUBLIC OF THE PHILIPPINES AND THE DIRECTOR OF
LANDS, PETITIONERS, VS. HON. AMADO B. REYES, AS JUDGE OF THE
COURT OF FIRST INSTANCE OF BATAAN, BRANCH N, AND SPOUSES
ALEXANDER V....**

G.R. No. L-35545. June 18, 1976

Ponente: ESGUERRA, J.

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ESGUERRA, J.:

Appeal by certiorari from the decision of the Court of First Instance of Bataan, Branch II, dated March 14, 1972, ordering the registration of three (3) parcels of land containing an area of 106.2887 hectares, more or less, in favor of the applicants, spouses Alexander V. Ruiz and Elizabeth E. Ruiz, and Evelyn M. Eugenio, private respondents herein.

The records of this case show that:

1. On May 24, 1971, private respondents, spouses Alexander V. Ruiz and Elizabeth E. Ruiz, and Evelyn M. Eugenio, filed with the Court of First Instance of Bataan an application for registration (LRC No. N-194, LRC Rec. No. N-40363) of 3 lots, denominated as Lots Nos. 1, 2, and 3, (Plan (LRC) SWO-13446), situated in the barrio of Cabcaban, Municipality of Mariveles, Province of Bataan, containing an area of 106.2887 hectares, more or less, which applicants claimed they have acquired by purchase from other claimants, their predecessors-in-interest;^[1]
2. On June 25, 1971, the Solicitor General, through Assistant Solicitor General Eduardo C. Abaya, requested the Provincial Fiscal of Bataan, Demetrio Sanchez, to represent him as counsel for the oppositors, the Director of Lands and the Director of Forestry, in the above mentioned land registration case No. N-194, pending before the CFT of Bataan;^[2]
3. Notice of hearing having been published in the Official Gazette, Vol. 67, No. 30, p. 5958, the first hearing was held on November 25, 1971, at 8:30 A.M. The oppositors, the Director of Lands and the Director of Forestry, or their counsel, the Provincial Fiscal, did not appear and so, on motion of applicants, the trial court issued an order of General default and forthwith named the Deputy Clerk of Court, Jose ' . Masigla as commissioner to receive evidence of the applicants account of the absence of the applicants themselves who were represented at the hearing by their lawyers, the reception of evidence was postponed until December 1, 1971, on which date the commissioner started receiving applicants' evidence;^[3]
4. On December 20, 1971, the Provincial Fiscal, as the authorized representative of the Solicitor General and on behalf of the Director of Lands and Director of Forestry, filed a motion for reconsideration of the order of default which was granted. In an order issued by respondent Judge on December 23, 1971, the order of general default, insofar as it concerned the Director of Lands and the Director of Forestry, was lifted. It also gave the Provincial Fiscal five (5) days within which to file formal written opposition under oath for and on behalf of the two

government oppositors, to vacate and set aside the order of default. It, however, declared that the evidence already adduced shall be considered part of the evidence for the applicants;[4]

5. On December 27, 1971, the Provincial Fiscal filed the formal written opposition of the Directors of Land and Forestry to the application and alleged the following as grounds for their opposition:

- a) applicants or their predecessors-in-interest failed to establish sufficient title to the land;
- b) they have not been in actual possession of the land;
- c) the land applied for is part of the public domain;
- d) applicants failed to pay all taxes;
- e) the land had never been the object of a cadastral proceeding;
- f) applicants have not complied with the requisites required by Act 496.[5]

6. A retrial of the case was scheduled and held starting January 19, 1972;

7. On March 14, 1972, respondent Judge Amado B. Reyes rendered the decision ordering the registration of the three lots applied for by the private respondents, copy of which decision was served on the Provincial Fiscal on the same day and who in turn, mailed a copy thereof to the Solicitor General also that same day;[6]

8. On April 15, 1972, respondent Judge ordered the issuance of a Decree; On April 25, 1972, the Commissioner of Land Registration issued Decree No. 139479; on April 28, 1972, the Register of Deeds of Bataan on the basis of said decree issued Original Certificate of Title No. N-225;[7]

9. On the same day, April 28, 1972, the brand-new registered owners, spouses Alexander V. Ruiz and Elizabeth E. Ruiz, and Evelyn M. Eugenio, sold the three lots to Jose T. Marcelo, Jr. and on August 28, 1972, the latter reconveyed the property to the same registered owners, the herein private respondents; finally, the three parcels of land were sold and transferred by the said registered owners to the Farmers Fertilizer Corporation, organized and principally owned by Jose P. Marcelo and family, a close relative of private respondents, on October 6, 1972;[8]

10. On September 1, 1972, at the written request of the Solicitor General, the Clerk of Court of the Court of First Instance of Bataan forwarded the original record of the case, LRC Case No. N-194, to the Office of the Solicitor General;[9]

11. On September 25, 1972, this Court received the petition of the Solicitor General for a review on certiorari of the aforementioned decision of respondent Judge Amado B. Reyes, naming therein a new and additional party, the Republic of the Philippines, which did not appear in the original proceedings In the lower court.

The petition for review, on certiorari, gives the following reasons why the decision should be reviewed:[10]

- a) Per decision of the Cadastral Court of Bataan, dated October 11, 1937, portion of Lot No. 626, Mariveles Cadastre, was declared public land, hence, the trial court was without jurisdiction over the subject matter;
- b) The survey plan was not approved by the Director of Lands, therefore, it is inadmissible in evidence;
- c) Applicants did not have any kind of registerable title to the land since the property was part of the public domain;
- d) The area of the land was 106.2887 hectares and, hence, was far in excess of the maximum of 24 hectares which may be acquired by free patents under Section 44 of Commonwealth Act No. 141, as amended;

12. In answer, the private respondents stated:[11]

a) the petition was filed beyond the reglementary period of 30 days for appeal which expired on April 14, 1972, (Sept. 25, 1972 petition filed) thus rendering the decision final and executory from said date; the present appeal, by certiorari was filed more than 5 months after the decision had become final and executory, and the corresponding decree had been issued by the Land Registration Commissioner followed by the issuance of the Original Certificate of Title by the Register of Deeds of Bataan;

b) the appeal on certiorari to the Supreme Court, in accordance with Section 17 of the Judiciary Act, as amended by R.A. 5440, can raise only questions of law and no questions of fact may be reviewed;

c) there is no legal basis for the contention that the lower court had no jurisdiction over the subject matter just because the land had been declared public land in a cadastral proceeding; likewise, the alleged certification of the Land Registration Commissioner, dated Sept. 13, 1972, may not be entertained for the first time on appeal because it was not presented at any stage of the proceedings in the lower court and is deemed admitted and considered final; as a matter of fact, the oppositors, through their counsel, the Provincial Fiscal, had declared in their pleadings, "That the parcel of land subject of this petition was and has never been the object of a cadastral proceeding";

d) the allegation that because the survey plan was not approved by the Director of Lands the same is not admissible in evidence is without merit. The authority of the Commissioner of Land Registration to verify and approve plans and surveys for the purpose of original registration is given by R.A. 3844 as amended by R.A. 6389;

e) the inclusion of the "Republic of the Philippines" as one of the petitioners in the appeal by certiorari is improper and unwarranted, The Republic of the Philippines was not one of the oppositors in the land registration case. The only oppositors were the Director of Lands and the Director of Forestry who were represented in the proceedings by the Solicitor General through his authorized representative, the Provincial Fiscal of Bataan; the petition being an appeal by certiorari, only the original parties in the lower court may be named and may appear as petitioners therein;

f) the limitation of 24 hectares that the State may grant to any applicant applies only to free patents under Section 44, C.A. No. 141 and not to those holding imperfect or incomplete title under Section 48 of the same law;

g) the decision of the lower court had already become final and executory with the appositors, the Director of Lands and the Director of Forestry, not having taken the corresponding appeal within the period allowed by law and, consequently, the final decree had been issued on April 25, 1972, while the Original Certificate of Title was issued on April 28, 1972;

h) the land had already passed into the hands of a third party in good faith and for value;

13. On November 28, 1972, the Solicitor General filed an amended petition with this Court,[12] reciting the same allegations contained in his earlier petition for review by certiorari but naming a new respondent, the Farmers Fertilizer Corporation, the transferee of the land in question, and making therein a new prayer, i.e., that all persons claiming or deriving rights from the respondents be restrained from transacting on the property subject of the litigation; subsequently, respondents filed their answer to the amended petition and repeating therein their old counter-arguments;

14. On July 11, 1973, the Solicitor General filed with this Court a motion for new trial,[13] seeking to set aside the controversial decision of the lower court and to have the record of the case remanded to the lower court for new trial, on the following grounds:

a) Fraud committed by applicants with apparent collusion and patent cooperation of respondent Judge thus preventing petitioners, oppositors in the case below, from fully and fairly presenting their case;

b) "... a clear case of falsification of judicial records was perpetrated."

And prayed:

a) the decision of the lower court be set aside and a new trial be granted;

b) ". . . that the respondent Judge be disqualified from hearing the new trial . . . without prejudice to whatever action this Honorable Court may take against him.

15. On August 21, 1973, respondent Judge Amado B. Reyes submitted to this Court his comments on the new motion for new trial which contained certain allegations imputing the commission of fraud and irregularities against him thusly:[14]

a) The allegations, insofar as they impute fraud, irregularity and misdemeanor against herein respondent Judge are specifically denied by him for being completely untrue, malicious and without factual foundation; and that the claims are false and the accusations are wild and baseless, intended merely to mislead and deceive the Honorable Court;

b) "... at the back of these machinations, undoubtedly aided and abetted by those who have axes to grind against the undersigned, is the Clerk of Court of First Instance of Bataan, and formerly the deputy clerk of court of Branch II of said court, namely: Atty. Jose J. Masigla." Because of some acts of the deputy clerk of court, the respondent Judge berated him and admonished him thusly: "Huwag kang magpakalunod sa isang tasang nilugaw," which remark said deputy clerk of court resented and led to several incidents further irritating the relationship between the presiding judge and this deputy clerk of court, culminating in the judge's charges that his deputy clerk of court was exacting exorbitant and illegal fees in connection with the publication of notices of hearing and thus assuming personal direction in all matters related to hearing schedules and publication of notices of hearing. Thus, respondent Judge Amado B. Reyes impugns the motives of his former deputy clerk of court who gave disparaging statements against the Judge in a sworn statement:

"Greatly resenting the supervisory acts of the undersigned and finding it difficult to continue with his illicit and nefarious activities, Atty. Masigla had since then intrigued against the honor of herein respondent and circulated false and incriminatory statements against him, capped by the malicious imputation against herein respondent of committing certain alleged irregularities in connection with his official actuations in LRC No. 194.

The issues raised by both of the parties fall under two categories, namely, those involving questions of fact and those calling for the application of the law.

Those raising questions of fact are here and now dismissed summarily for the same reasons this Court had said before: "... a direct appeal from the Court of First Instance to this Court binds appellants to the findings of fact of the trial court. Because he is deemed to have accepted the facts as found by the lower court. He may only raise questions of law." Accordingly, the findings of fact of the court below in this case are final. They are not now open to questions.[15]

We may add in this connection that many of the questions of fact now raised by the Solicitor General have been raised by his authorized representative, the Provincial Fiscal of Bataan, in the latter's motion for reconsideration and formal written opposition with the trial court. Having been brought up formally and officially during the course of the proceedings of the registration application in the court below, this Court has a right to assume that these matters have been fully litigated, discussed and argued in accordance with procedural law and the rules on evidence. There is no showing that the two government oppositors, the Directors of Lands and Forestry, acting through their counsel, the Provincial Fiscal of Bataan, had been deprived of the opportunity and chance to present their evidence against the application for registration. The records do not show that the Solicitor General had

called the attention of the Provincial Fiscal for the latter's negligence in pursuing the cause of the State or that the latter had been remiss in his duties. On the contrary, the representative of the Solicitor General in this case had been quite assiduous in fighting the cause of the Director of Lands and Director of Forestry. Upon finding that the government's side had been placed in jeopardy by the order of default issued by the herein respondent Judge, the Provincial Fiscal immediately filed a motion for reconsideration which was granted and this paved the way for the lifting of the general default order and thereby gave a chance to the State to present its formal written opposition to the application. The formal opposition was subsequently prepared and filed by the Provincial Fiscal, acting as the representative of the Solicitor General. During these court proceedings and thereafter, within the period allowed by law, the oppositors and their counsel, either the Solicitor General or the Provincial Fiscal, could have brought up the issues they are now raising, either through timely appeal or a motion for new trial. Within the reglementary 30-day period, the Provincial Fiscal or the Solicitor General could have filed a notice of appeal. Other than appeal, the Directors of Land and Forestry who felt aggrieved by the decision may avail themselves of another remedy, by means of a motion for new trial within thirty days from receipt of notice of such decision.[16] After the lapse of such period, by means of a petition for relief under Rule 38 on the ground of fraud, accident, mistake or excusable negligence, within 60 days from the time the petitioner learns of the judgment and in no case more than six months from the date it was entered.[17]

Unfortunately, these the oppositors and the petitioners herein failed to do. This is the other reason why We find it difficult to accede to the prayer of petitioners to review the findings of fact of the court below.

On the question of law, one sticks out like a sore thumb demanding prior attention and consideration. To be sure, this issue and its resolution transcends all the others. Thus:

May a decision of the trial court,
long after the same had become final
and executory, be the subject of a
petition for review on certiorari?
May a new trial be granted under
the same circumstances?

As had previously been declared by this Court, a decision in a land registration case, after entry, is a decree of the court adjudicating title to the land and directing the entry by the Land Registration Commission of the appropriate orders and decree leading to the issuance of a certificate of registration.[18] The judgment rendered in a land registration case becomes final upon the expiration of 30 days to be counted from the date on which the interested party received notice of the decision.[19] The rules in ordinary civil actions and in land registration proceedings are the same.[20]

Applying these rules to the present case, We are constrained to review certain events connected therewith and related to the proceedings in the court below.

On March 14, 1972, Branch II, Court of First Instance of Bataan, presided over by respondent Judge Amado B. Reyes, rendered its decision in Land Registration Case No. LRC No. N194. On the same day, a copy of the decision was served on the Provincial Fiscal of Bataan who had appeared before the said court as the counsel of the oppositors, the Director of Lands and the Director of Forestry, in representation of the Solicitor General. In turn, the Provincial Fiscal mailed the copy or a copy of the questioned decision to the Solicitor General that very day. Thirty days thereafter, or on April 15, 1972, the respondent Judge gave out an order for the issuance of the Final Decree, on the basis of which the Commissioner of Land Registration, on April 25, 1972, issued Decree No. 139479. Three days after, on April 25, 1972, the Register of Deeds of Bataan, likewise based thereon, issued Original Certificate of Title No. N-225 in the name of the private respondents herein. On September 25, 1972, or

more than six (6) months after rendition of the judgment, this Court received the petition of the herein petitioners seeking to have the aforementioned decision of Judge Amado B. Reyes reviewed on certiorari. On October 6, 1972, the land was sold and transferred to the Farmers Fertilizer Corporation.

We shall now determine if the petition to review the controversial decision was filed on time. It is the contention of the Solicitor General that it was only on September 1, 1972, when he requested the Clerk of the Court of First Instance of Bataan to forward the records of the said land registration case No. LRC N-194 to him, that he learned of the questioned decision. To him the running of the period for appeal or for new trial started only on that date. The crux of the matter, therefore, lies on whether the date of the service of the copy of the decision to the Provincial Fiscal on March 14, 1972, or the date the Solicitor General had allegedly first learned of the decision, September 1, 1972, shall be used for reckoning the time for filing an appeal or petition for new trial.

The authority granted the Provincial Fiscal per the letter signed by Assistant Solicitor General Eduardo C. Abaya, for and in behalf of his superior, the Solicitor General, dated June 23, 1971, at first blush, is an authority of indefinite intent. Note the first paragraph:

"This case is set for hearing on
November 25, 1971 at 8:30 o'clock
in the forenoon. In this connection,
please represent this Office of
the Solicitor General."

The first inference from this is that the authority is indeed limited only to the representation on said scheduled hearing of November 25, 1971. But then, the last paragraph of the same letter reads as follows:

"Kindly advise us from time to
time of the progress of this case."

If this last paragraph is seen in the light of later events and other circumstances, it would give no other conclusion than that the Solicitor General intended to keep and retain, as he did keep and retain, the services of the Provincial Fiscal for an indefinite period of time in order to carry the burden of the court proceedings connected with said land registration application.

This intention and plan of the Solicitor General to keep the Provincial Fiscal in harness for some time to come, as reflected in the aforecited last paragraph, could not have been made clearer than by the long posture of silence adopted by him in all proceedings connected with or arising from the case. When the order of default was issued by the herein respondent Judge for the non-appearance of the Director of Lands and Director of Forestry or their counsel, either the Solicitor General or his representative, but the said Provincial Fiscal, presumably acting as the authorized counsel of the government oppositors, filed a motion for reconsideration of the judgment. When, on account of this motion, the herein respondent Judge Reyes lifted his earlier order of general default and gave the counsel of the oppositors 5 days within which to file the Government's formal written opposition to the registration application, the same Provincial Fiscal filed the written opposition. In the retrial and other related proceedings, the same Provincial Fiscal had acted alone and with unhindered freedom of action like one unquestionably clothed with full power and authority.

From the time the applicants, private respondents herein, filed their application on May 24, 1971, presumably with notice to the Solicitor General, to the date the Provincial Fiscal was prevailed upon and authorized to represent the Solicitor General on June 25, 1971, and culminating with the rendition of the questioned decision on March 14, 1972, is a period of time covering roughly 10 months. In all this time, the Solicitor General must have been satisfied with the manner his representative, the Provincial Fiscal of Bataan, had been managing the court

battle of the Director of Lands and Director of Forestry or else he would have sent someone from his office to take over from Fiscal Sanchez. If this was not the reason, then it could only be that the Solicitor General had neglected his duty and abandoned the cause of the two government oppositors entirely to its fate. He could not very well hide behind the plea that he was not aware or did not know of the developments of the case. As Counsel of the State and its instrumentalities and agencies, those in charge of the case in his office were duty-bound to know what was happening in any of the legal cases formally brought to his attention. He knew of this application for land registration from the very start.

This Court is inclined to believe, and so holds, that despite the protestation of the Solicitor General to the contrary, the Provincial Fiscal of Bataan had all along been allowed, if not authorized directly, to act as his representative in all stages and aspects of the aforementioned land registration case. The silent acquiescence, if truly there was no direct authority, of the said office in all the acts and legal measures taken by the Provincial Fiscal to pursue the cause of the two government agencies, is a classic example of the maxim that silence is consent.

Applying now the time-honored principle of agency that a notice or payment to the agent is a notice or payment to the principal, the service of the copy of the questioned decision to the Provincial Fiscal must necessarily be a service to the Solicitor General. Since the copy of the decision was served on the Provincial Fiscal of Bataan on March 14, 1972, it is, therefore, on that day that the Solicitor General is considered to have been served with a copy of said decision and the Fiscal in fact mailed a copy of the decision on that same day to the office of the Solicitor General. We may add in this connection that technical transgressions relative to filing and service may be brushed aside when the adverse party, (this time the Directors of Lands and Forestry and their counsel, the Solicitor General) is aware of the matter which his adversary would want the court to act upon. Once it appears that the party is already informed by one means or another of what he is to be notified, the required service becomes an empty gesture and strict observance thereof is considered waived.[21]

On the basis of the facts and circumstances above set forth, the 30-day period for perfecting an appeal from the questioned decision of the trial court expired on April 14, 1972. One remedy which the herein petitioners could have taken, if they felt that the decision of the trial court should be set aside and a new trial held, but which they did not avail themselves of, is that given under Rule 37 of the Rules of Court. But again, this remedy would have to be taken within 30 days after they have notice of the judgment, and the corresponding motion filed with the trial court. Upon receiving notice of the decision, the aggrieved party who claims to have been deprived of his day in court, or the opportunity to present his evidence, should file on time a motion for new trial on the grounds mentioned in par. (a) of Section. 1, Rule 37 of the Rules of Court, instead of appealing therefrom.[22]

It is to be noted here that Section 38 of Act 496, the Land Registration Law, prescribes four remedies for those aggrieved after entry of decree. This Section likewise mentions the fact that the decree of registration is conclusive upon and against all persons, including the Insular Government and all its branches. One of these remedies, which the herein petitioners may avail of, is a petition for review of a decree obtained by fraud, provided that no innocent purchaser for value has acquired interest in the property. The petition must be filed within 1 year after entry of the decree, in the competent court of first instance. As had been declared by this Court before, a decree of registration obtained through fraud is valid, although annulable. It may only be annulled upon petition of aggrieved party filed within one year after entry of the decree, in the absence of an innocent purchaser for value.[23]

This Court feels that over and above the one central fact that the present appeal for review by certiorari and the petition for new trial by reason of fraud under Section 37 of the Rules of Court were filed out of time, is the undeniable fact that unlimited opportunities were open to the State for it to prove its ease in the trial court.

Unfortunately, through inexcusable neglect and laches of those in charge, the Government lost its case.

We are not unmindful of a previous dictum of this Court that a land registration proceeding is in rem, and therefore the decree of registration is binding upon and conclusive against all persons including the government and its branches, irrespective of whether or not they were personally notified of the filing of the application for registration or have appeared and filed an answer to said application, because all interested parties are considered as notified by the publication required by law.^[24] Which means to say that the relief sought for by the herein petitioners cannot be granted by this Court.

There remains only, if applicable, the remedy for the State to recover or seek the reversion of inalienable public lands if unduly ordered registered.

In the petition for review, petitioners cited, among other grounds, the decision of the Cadastral Court of Bataan dated October 11, 1937, in Cad. Case No. 19, LRC Cad. Rec. No. 1097, which declared such portion of Lot No. 626 of the Mariveles Cadastre as had not been awarded to claimants as public land. This area is claimed to be the same land, subject of the application for registration in the court below.

This allegation of petitioners had not been satisfactorily fended off by the applicants, the private respondents herein.

Unfortunately, neither had the Government Counsel been able to pursue this issue more vigorously.

In such action for reversion as petitioners may institute, they may perhaps be permitted to raise the question belatedly sought to be raised herein that the private respondents did not have any kind of registerable title to the land on the strength of the allegation that Lot No. 626 of the Mariveles Cadastre alleged to cover the same lots finally awarded by the lower court to respondents-applicants had been part of the Mariveles Military Reservation area established by Proclamation No. 10 of then Governor General Leonard Wood dated February 16, 1925 and that it was only on June 10, 1967 with the issuance of Presidential Proclamation No 210-B that Proclamation No. 10 was revoked and the area declared as disposable and alienable land of the public domain. Should petitioners duly establish by competent evidence these allegations vis a vis the lots involved, they may then raise anew the argument that ". . . it is only from June 10, 1967 that the private respondents and their predecessors-in-interest may be deemed to have validly commenced occupation of the area herein involved. Such being the case, they could not have occupied the said area for a period of thirty years preceding the filing of the application so as to be entitled to registration under Section 48 (b) of the Public Land Act," as well as their question why despite respondents-applicants' claim that they through their predecessors-in-interest possessed the property en concepto de dueno for more than thirty years, their predecessors had not put forward their claim before the cadastral court of Bataan under Section 9 of Act No. 2259 which provides.

"Any person claiming any interest in any part of the lands, whether named in the notice or not, shall appear before the Court by himself, or by some person in his behalf and shall file an answer on or before the return day or within such further time as may be allowed by the Court . . .,"

which however is countered by respondents' quoting petitioners' own ground for opposition that "the parcel of land subject of this petition was and has never been the object of a cadastral proceeding."

Complicating the matter further is the sale and conveyance of the land to the Farmers Fertilizer Corporation by the newly registered owners, solution of which depends upon whether the same was in good or bad faith designed to place the proper beyond the reach of ordinary legal actions.

As already indicated, We cannot resolve these questions or grant any relief here since we are without jurisdiction to entertain petitioners' appeal that was filed too late and long after the registration decision had become final and

executory, especially where as in this case respondent judge had lifted the order of general default and given the petitioners the chance to present their formal opposition and their side at a retrial of the case.

Such questions as may be raised by petitioners in a separate case of reversion are of course understood to be subject to such defenses as respondents may properly raise including the identity of the land and res judicata where applicable.

Before closing, it must be stated in fairness to respondent judge that We have found nothing in the record to justify petitioners' bare allegations in their motion for new trial of "apparent collusion and patent cooperation of respondent judge" in the fraud allegedly committed by applicants. On the contrary as above shown, unlimited opportunities were open to the State for it to prove its case in the lower court before respondent judge who had set aside his order of general default upon the State's motion and conducted a retrial with the evidence for the applicants deemed reproduced but the Government through unexplained neglect and laches did not avail of the remedies open to it. Suffice it to state that the casting of such questionable aspersions against respondent judge coming from an apparently polluted source (deputy clerk Atty. Masigla who, according to respondent judge, greatly resented the judge's supervisory acts over him) does not serve the cause of petitioners nor help to cover up petitioners' failure to duly exercise the right of appeal and other remedies notwithstanding that the Provincial Fiscal had mailed a copy of the questioned decision to the Solicitor General on the very day that he received it on March 14, 1972. (Supra, at page 10).

WHEREFORE, the appeal by certiorari for review of the questioned decision and the petition for new trial by reason of fraud are hereby dismissed without prejudice, however, to any proper action that may be available to the petitioners for the annulment of the decree of title and cancellation of the certificates of title issued on the basis thereof, and the reversion of the land covered thereby to the State as part of the public domain and such proper defenses in turn as private respondents and other interested third parties who claim to have acquired the land in good faith and for value may have. This is further without prejudice to the Solicitor General's institution of appropriate proceedings against those whose inexcusable neglect has prejudiced the State and for indemnification of any consequent loss or damages incurred by the State.

SO ORDERED.

Teehankee (Chairman), Makasiar, Muñoz Palma, and Martin, JJ., concur.

[1] Petition for Review by Certiorari, Rollo, p 1.

[2] Letter of Authority from the Office of the Solicitor General Rollo, p. 133.

[3] Pp. 2-3, Petition for New Trial, Rollo, p. 174.

[4] Motion for New Trial, Rollo, pp. 177-178.

[5] Annex "B" of Amended Petition, Rollo, p. 89; p. 2, Petition, Rollo, p. 2; p. 6, Motion for New Trial, Rollo, p. 178.

[6] Annex "G", Motion for New Trial, Rollo, p. 240.

[7] P. 5, Amended Petition, Rollo, p. 79.

[8] P. 5-A, Amended Petition, Rollo, p. 80; Annexes "3" & "4" of Respondents' Answer, Rollo, pp. 51 & 57.

[9] P. 4, Petition, Rollo, p. 4.

- [10] Pp. 4-6, Petition, Rollo, pp. 4-6.
- [11] Respondents' Answer, Rollo, pp. 36-37.
- [12] Amended Petition, Rollo, p. 75.
- [13] Motion for New Trial, Rollo, p. 173.
- [14] Comments of Respondent Judge Amado B. Reyes to Motion for New Trial, Rollo, p. 266.
- [15] Abuyo vs. De Suazo, L-21202, Oct. 29, 1966, 20 SCRA 600; Aballe vs. Santiago, L-16307, April 30, 1963; Cabrera et al. vs. Trano, L-17299, July 31, 1963; Development Bank of the Philippines vs. Ozarraga, et al, L-16631, July 20, 1965.
- [16] Government vs. Saenz, 45 Phil. 119.
- [17] Elvina vs. Filamor, 56 Phil. 305.
- [18] Roman Catholic Archbishop of Manila vs. Ruiz, 36 Phil. 279.
- [19] Government vs. Saenz, *supra*.
- [20] Sanches vs. Director of Lands, 63 Phil. 370.
- [21] Joseph Estrada, et al. vs. Sto. Domingo, Braulio, et al., L-30570, July 29, 1969.
- [22] Ocejillo, et al. vs. Molina, CA-GRNo. 32592-R, February 26, 1965.
- [23] Vda. de Cuaycong vs. Vda. & Sengbengco, G.R. No. L-11837, November 29, 1960.
- [24] Sorongan vs. Makalintal, 80 Phil. 259.

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