

REPUBLIC OF THE PHILIPPINES, PETITIONER, VS. THE HONORABLE COURT OF APPEALS, LANDOLINO ALPUERTO, PAZ ALPUERTO, NORMA ALPUERTO, FRANCISCA ALPUERTO, IN THEIR CAPACITY AS HEIRS OF ...

G.R. No. L-45202. September 11, 1980

Ponente: MAKASIAR, J.

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MAKASIAR, J.:

Appeal by certiorari from the decision of the Court of Appeals in CA-G.R. No. 52323-R, entitled "Republic of the Philippines, vs. Landolino Alpuerto, et al.", affirming the order of the Court of First Instance of Quezon which dismissed the complaint for annulment and cancellation of titles and reversion of lands filed by petitioner, as well as from the resolution dated November 22, 1976 of the Court of Appeals, denying petitioner's motion for reconsideration.

This case involves Lot No. 7718 of the cadastral survey of Mauban, Quezon, containing an area of 19,873,835 square meters, more or less.

On May 16, 1966, Perpetuo Alpuerto, now deceased, filed with the Court of First Instance of Quezon (Branch II), a motion to reopen Cadastral Case No. 97, LCR Cad. Rec. No. 1555, and to admit his answer over Lot No. 7718 of the Mauban (Quezon) cadastre. After trial, the lower court rendered its decision dated August 3, 1966, adjudicating to said Perpetuo Alpuerto Lot No. 7718 together with its improvements, and ordering the issuance in his favor of the corresponding decree of registration. On September 22, 1966, the lower court issued an order for the issuance of a decree of registration over the said lot, and pursuant thereto, the Land Registration Commission issued Decree No. 127177 which was subsequently transcribed in the Registration book of the Register of Deeds of Quezon on November 18, 1969. This was the basis of the issuance of Original Certificate of Title No. 0-13541 in favor of Perpetuo Alpuerto. Portions of the lot were subsequently transferred to various persons who were issued their respective transfer certificates of title, among whom are private respondents Henry O, Antonio Angeles, Industrial Marketing & Investment Corporation, Landolino Alpuerto, Artemio Calusin, Luciano Potestades, Alpidio Banagan, Dionisio Llamas, Corazon Alpuente and Andres Laredo.

On September 26, 1966, the Provincial Fiscal of Quezon filed a Motion for Reconsideration (pp. 78-80, rec.) of the decision dated August 3, 1966, on the ground that the said decision was obtained through fraud, misrepresentation and deceit. Then on March 14, 1967, Attys. Amado Aquino and Francisco Lopez, special attorneys of the Office of the Solicitor General, filed, also for the Director of Lands, a Supplemental Motion for Reconsideration and/or for New Trial (pp. 82--87, rec.), alleging that the cadastral case was improperly reopened despite the absence of the necessary conditions for such reopening, and that the Director of Lands was not duly notified of the hearing and therefore denied his day in court. Both these motions were denied by the lower court on June 19, 1970. (Please note that no copy of said order of denial is found in the record).

Before the issuance of the order of denial dated June 18, 1970, the Provincial Fiscal of Quezon again filed on May

25, 1970 a motion for cancellation of titles and for preliminary injunction (pp. 89-90, rec.), assailing the order for the issuance of the decree of registration dated September 22, 1966 for being illegal, invalid and without effect because it was issued when the decision of August 3, 1966 had not yet become final and his timely motion for recon-sideration was still pending. On July 14, 1970, the Director of Lands, again through Attys. Aquino and Lopez, filed a motion for reconsideration (pp. 91-92, rec.) of the order dated June 18, 1970 on the ground that the same was issued on the wrong premise, i.e., that the decision of the court had already become final and executory when in fact it had not. These two motions were likewise denied by the court in its order of July 27, 1970 (Note: no copy of said order in the records).

On April 6, 1971, the Solicitor General filed for the government a complaint for annulment, cancel-lation of titles and for reversion of Lot No. 7718 of Cadastral Survey of Mauban, Quezon to the State (pp. 96-100, rec.), on the ground that the decision of the court dated August 3, 1966 adjudicating Lot No. 7718 to Perpetuo Alpuerto, its order for the issuance of the decree of registration dated September 22, 1966, as well as the Original Certificate of Title No. 013541 and all the transfer certificates of title derived therefrom, are all null and void and without legal effect because the court had no jurisdiction to allocate the subject land, which is inalienable.

On May 11, 1971, defendants Industrial Marketing and Investments Corporation, Henry O, Antonio Angeles and Aurea Angeles filed a motion to dismiss the com-plaint (pp. 103-105, rec.), alleging that the action is barred by a prior judgment and that the court lacks jurisdiction over the nature of the action or suit. Another defendant, Andres Laredo, likewise on May 17, 1971, filed a motion for dismissal of the complaint, based on the grounds that the complaint states no cause of action and that venue is improperly laid.

After hearing the motions for dismissal and the opposition thereto, the lower court, on September 28, 1971, issued an order denying the motion to dismiss filed by defendant Andres Laredo, but granting the motion to dismiss filed by defendants Industrial Marketing and Investments Corporation, Henry O, Antonio Angeles and Aurea Angeles and dismissing the complaint filed by petitioner.

Petitioner filed on October 29, 1971 a motion seeking to reconsider the lower court's order of dismissal (pp. 119-124, rec.) which, however, was denied by the said court in an order dated December 24, 1971 (pp. 130-134, rec.). Consequently, petitioner appealed the case to the Court of Appeals which, on August 25, 1976, promulgated a decision (pp. 27-37, rec.), affirming the order of dismissal by the lower court. Petitioner again filed a motion for reconsi-deration, but the same was likewise denied (p. 38, rec.).

Forthwith, petitioner elevated the matter to US through the present petition, which WE find to be meritorious.

In the first place, the land in question is not within the jurisdiction of the Director of Lands but of the Director of Forestry. Although the Public Land Act vests upon the Director of Lands, subject to the immediate control of the Secretary of Agriculture and Commerce, direct executive control of the survey, classification, lease, sale or any other form of con-cession or disposition and management of the lands of the public domain (Sec. 4, Commonwealth Act No. 141), the same law explicitly states that timber and mineral lands shall be governed by special laws. And the Forestry Law (Secs. 1814-1842, Revised Administrative Code, as amended) now vests in the Director of Forestry (now Director of Forest Development under P.D. No. 705) the jurisdiction and authority over forest or timberland.

As held in the case of *Mejia Vda. de Alfafara vs. Mapa, et al.* (95 Phil. 125) wherein WE upheld the findings of the Secretary of Agriculture and Natural Resources thus: "Where the land covered by the homestead application of petitioner was still within the forest zone or under the jurisdiction of the Bureau of Forestry, the Director of Lands had no jurisdiction to dispose of said land under the provisions of the Public Land Law, and the petitioner acquired no right to the land." It follows that "if a person obtains a title under the Public Land Act which includes,

by oversight, lands which cannot be registered under the Torrens system, or when the Director of Lands did not have jurisdiction over the same because it is a public forest, the grantee does not, by virtue of the said certificate of title alone, become the owner of the land illegally included" (Republic vs. Animas, 56 SCRA 499, 503; Ledesma vs. Municipality of Iloilo, 49 Phil. 769).

The patent or title thus issued is void at law, since the officer who issued it had no authority to do so (Republic vs. de la Cruz, 67 SCRA, 221).

Under these circumstances, the certificate of title may be ordered cancelled (Republic vs. Animas, et al., supra), and the cancellation may be pursued through an ordinary action therefor. This action cannot be barred by the prior judgment of the land registration court, since the said court had no jurisdiction over the subject matter. And if there was no such jurisdiction, then the principle of res judicata does not apply. For it is a well-settled rule that for a prior judgment to constitute a bar to a subsequent case, the following requisites must concur; (1) it must be a final judgment; (2) it must have been rendered by a court having jurisdiction over the subject matter and over the parties; (3) it must be a judgment on the merits; and (4) there must be, between the first and second actions, identity of parties, identity of subject matter and identity of cause of action (Municipality of Daet vs. CA, 93 SCRA 503; Mendoza vs. Arrieta, et al., 91 SCRA 113). Certainly, one of the essential requisites, i.e., jurisdiction over the subject matter, is absent in this case.

The argument that the subject land being a timberland is urged only now, is not well-taken. So also is the contention that it is not enough for the land to be within a timberland in the absence of evidence showing conclusively that it is covered by natural growth of trees of such considerable extent to bring it within the definition of forest land. This is because the Director of Forestry was not notified of the proceedings. Under the law, the Director of Forestry is the official clothed with jurisdiction and authority over the demarcation, protection, management, reproduction, reforestation, occupancy, and use of all forests and forest resources (Sec. 1816, Revised Administrative Code, as amended).

In any case, even granting that the said official was negligent, the doctrine of estoppel cannot operate against the State. "It is a well-settled rule in our jurisdiction that the Republic or its government is usually not estopped by mistake or error on the part of its officials or agents (Manila Lodge No. 761 vs. CA, 73 SCRA 166, 186; Republic vs. Marcos, 52 SCRA 238, 244; Luciano vs. Estrella, 34 SCRA 769).

Consequently, the State may still seek the cancellation of the title issued to Perpetuo Alpuerto and his successors-in-interest pursuant to Section 101 of the Public Land Act. Such title has not become indefeasible, for prescription cannot be invoked against the State (Republic vs. Animas, supra).

WHEREFORE, THE INSTANT PETITION IS GRANTED, THE DECISION OF THE RESPONDENT COURT DATED AUGUST 25, 1976 AND ITS RESOLUTION OF NOVEMBER 22, 1976 ARE HEREBY VACATED AND SET ASIDE. LET THIS CASE BE REMANDED TO THE COURT OF FIRST INSTANCE OF QUEZON FOR FURTHER PROCEEDINGS.

Teehankee, (Chairman), Fernandez, Guerrero, De Castro, and Melencio-Herrera, JJ., concur.

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