

JULIAN LEMOS, PLAINTIFF AND APPELLANT, VS. MANUEL E. CASTANEDA, ET AL., DEFENDANTS AND APPELLEES.*G.R. No. L-16287. October 27, 1961*

Ponente: REYES, J.B.L., J.

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Julian de Lemos appeals directly to this Court from the order of the Court of First Instance of Manila dismissing his complaint in Civil Case No. 34736 for failure to exhaust administrative remedies.

It is alleged that since 1938, Julian de Lemos has been a bona fide occupant of a lot forming part of the Nuestra Senora de Guia Estate in Tondo. Pursuant to Commonwealth Act No. 539, said Estate was acquired by the Government for subdivision and resale to its bona fide tenants, or occupants and to other qualified persons. Successively, it fell under the administration of the Rural Progress Administration (by Executive Order No. 191, March 2, 1939), the Landed Estate Division of the Bureau of Lands (by Executive Order No. 376, November 28, 1950), and finally, the Land Tenure Administration, pursuant to Republic Act 1400 which took effect on September 9, 1955. It appears that in the subdivision survey plan, Lot 40, Block 2, Pcs-2558 (the lot occupied and claimed by plaintiff appellant) did not include the contested portion covering an area of 12 square meters. Instead, this piece had been included in Lot 42 occupied by Hermogenes Pagsisihan. Following a dispute as to the possession of this small plot of land, and upon complaint duly investigated by the Land Tenure Administration, the latter issued an order on March 13, 1956, finding De Lemos without right to said portion, and, ordering him to vacate it within 30 days from receipt of the order. A motion for reconsideration filed by the De Lemos was denied on April 27, 1956. On July 11, 1956, the Land Tenure Administration executed a deed of sale of Lot 42 in favor of Hermogenes Pagsisihan. Upon registration of the deed on May 29, 1957, Transfer Certificate of Title No. 47778 was issued to Pagsisihan. Subsequently, on October 18, 1957, De Lemos filed with the Land Tenure Administration a complaint against Pagsisihan for a modification of the award in favor of the latter; but the Land Tenure Administration, on January 7, 1958, dismissed the complaint for failure to appear and prosecute, and on the ground that it had already lost jurisdiction over the case. De Lemos then brought the present action in the Court of First Instance of Manila.

Upon motion of the defendants in the court below, the amended complaint was dismissed on the ground that the plaintiff had not exhausted his administrative remedies, as he failed to appeal the orders of the Land Tenure Administration to the Office of the President. The plaintiff came to this Court.

The appeal must be sustained. It has been consistently held by this Court in several decisions that the rule requiring previous exhaustion of administrative remedies before resorting to the Courts does not apply to disputes over land that was originally owned by private parties and later was acquired by the Government for the purpose of reselling them to bona fide tenants or occupants. This was the ruling in the conflicts over lots in the Tambobong Estate acquired from the Archbishop of Manila (*Marukot vs. Jacinto*, 98 Phil, 128; *Santiago vs. Cruz*, 98 Phil, 168; *Geukeko vs. Araneta*, 102 Phil., 706; 54 Off. Gaz., [15] 4494).

"It is interesting to note at this juncture that the order of the lower Court dismissing Civil Cases Nos. 1826 and 1865 was predicated on the ground that the sublessees failed to exhaust the administrative remedies available to them, and, therefore, held that said actions could not be entertained by the courts, citing the case of Miguel vs. Reyes, 93 Phil., 542 . But in subsequent rulings in other cases involving lots in said Tambobong Estate, this Court qualified its stand by confining the application of the principle of exhaustion of administrative remedies as a condition precedent to the filing of a judicial action to controversies arising out of the disposition of disposable public lands and not to cases involving private lands acquired by the Government by purchase (See Marukot vs. Jacinto, supra; Santiago vs. Cruz, supra)."

In the present case, the lots were part of the Nuestra Senora de Guia Estate acquired by the Government from the same private owner, and no reason is seen why the doctrine adverted to should not be followed.

Wherefore, the appealed order of dismissal is reversed, and the records are ordered remanded to the court of origin for further proceedings. No costs.

Bengzon, C. J., Padilla, Bautista Angelo, Labrador, Concepcion, Paredes, and De Leon, JJ., concur.

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