

FLORENTINO MANIPON, APPLICANT AND APPELLANT, VS. GOVERNMENT OF THE UNITED STATES, OPPONENT AND APPELLEE.

G. R. No. L-4582. March 26, 1953

Ponente: TUASON, J.

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TUASON, J.:

This is an appeal to reverse an order of the Court of First Instance of Tarlac which sets aside a decree of registration entered in the name of the appellants.

It appears that Florentino Manipon, one of the appellants (the other being his wife), on March 14, 1943, filed an application for the registration of a parcel of land described in the accompanying plan and containing an area of 108,374 square meters. With the opposition of the Director of Lands, who alleged that the land whose registration was applied for was part of the public domain and belonged to the Government of the Philippines, the application came on for initial hearing on January 5, 1944. On October 26, 1945, decision was handed down granting the application; and on June 28, 1946, there being no appeal, the corresponding decree was issued upon the motion of the appellant.

On May 26, 1947, well within one year from the date of its entry, the Solicitor General of the Philippines, in behalf of the Government of the United States, filed a petition for review of the decree under Section 38 of Act No. 496, alleging that the land in question was part of the United States Military Reservation, known as Clark Field Airforce Base, and that the registration had been secured through fraud in that the applicant intentionally failed to inform the court of that fact. After proper hearing, the Court, on December 27, 1950, made the order from which the present appeal was taken and the dispositive part of which reads:

"In view of all the foregoing, the Court hereby sets aside as null and void Decree No. 766655 and cancels as null and void the certificate of title issued thereunder in favor of the spouses Florentino Manipon and Ana Sibal. However, in view of the fact that there is a strip of the portion of the lot covered by the decree No. 766655 which is not included within the military reservation, the Court will, upon the applicant spouses Florentino Manipon and Ana Sibal filing a subdivision plan together with its corresponding technical description of the portion not included within the military reservation, order the issuance of a decree for the registration of the said portion outside the military reservation in the names of applicants spouses Florentino Manipon and Ana Sibal."

The appellants make nine assignments of error, the first two of which question the finding that the land in question is included in the above-mentioned military reservation.

This question poses no serious problem. The appealed order is subject to the results of the segregation or subdivision plan which will have to be made in the execution of the order under consideration. This survey will show whether or not the sketch plan attached to the petition for review and which was not impugned by the appellants in the court below is wrong, and if wrong, the exact extent of the error.

The rest of the assignments of error raise a legal question. Briefly, the appellants take the position that the United

States Government can not take and keep their land which, according to the findings of the court, the appellants point out, has been in their peaceful, public, continuous, and adverse possession for at least fifty years.

Among others, *Government of the United States vs. Judge of First Instance of Pampanga*, 50 Phil., 976, is decisive against the appellants' contention both in its factual and legal aspects'. That case involved the validity of the registration in a cadastral case in the name of the Manila Railroad Company of certain lots which were inside the same military reservation that is now Clark Field Airforce Base and for which lots no claim had been made in the reservation proceedings. After noting that no irregularity appeared to have been committed in the said reservation proceedings, which had been commenced in 1903 and concluded in 1908, the Court held that the titles to all private lands included in the tract and which had been registered, without claims having been presented by their owners within the term fixed by section 4 of Act No. 627, were deemed definitely settled and their subsequent registration was without the court's jurisdiction to order and so was null and void.

It may be of interest to note in this connection that the Manila Railroad Company's lots were and had been in visible possession of the company and that the United States Military authorities had at least constructive notice of the cadastral proceedings and were in a position to file therein the United States Government's claim or opposition; whereas here the appellants could have been mistaken for squatters and their application for registration was filed during the war, when the enemy was in absolute occupancy of the place. One other notable feature of the present case, which tends to lend weight to the charge of fraud, was that the appellants' plan was made and approved as early as 1932, but the application was not filed until the rightful occupants had been driven away, albeit temporarily, from the country.

The order of the Court of First Instance from which this appeal has been taken is affirmed with costs against the appellants.

Paras, C. J., Feria, Pablo, Bengzon, Padilla, Montemayor, Reyes, Jugo, Bautista Angelo and Labrador, JJ., concur.

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