

**REPUBLIC OF THE PHILIPPINES, PETITIONER, VS. HON. PIO R. MARCOS, IN HIS CAPACITY AS JUDGE, COURT OF FIRST INSTANCE OF BAGUIO, BRANCH I, ALSON CARANTES, BILL CARANTES AND EDUARDO...**

*G.R. No. L-32941. July 31, 1973*

Ponente: FERNANDO, J.

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**FERNANDO, J.:**

A perusal, even the most cursory, of this petition for review on certiorari, would make evident its being impressed with merit. Respondent Judge, under color of a statutory provision[1] and at the instance of private respondents, did reopen Civil Reservation Case No. 1 of the Court of First Instance of Baguio establishing the Baguio Townsite Reservation, promulgated as far back as November 13, 1922, thus enabling private respondents to apply for the registration of an area of 74,017 square meters inside the Camp John Hay Leave and Recreation Center. In the decision now sought to be set aside in this suit dated November 9, 1968, its registration therefor was ordered in favor of the aforesaid private respondents. Petitioner Republic of the Philippines thus has a legitimate grievance. Republic vs. Marcos,[2] a 1969 decision, speaks authoritatively. It does provide a firm, not to say rocklike foundation. Respondent Judge was without power to reopen the aforesaid Civil Reservation Case No. 1 which was not a cadastral proceeding. What is more, it is undeniable that the land in question, being a part of a duly established military camp or reservation, cannot be thus ordered registered in favor of private respondents. We have to grant the petition.

It would appear from the facts that on November 12, 1966, respondents, the Carantes heirs, filed under Civil Reservation Case No. 1[3] of the Court of First Instance of Baguio City a petition for the reopening of said proceeding to have them declared owners, and for the registration in their favor of four lots with a total area of 74,017 square meters therein described. Then on December 14, 1966, respondent Judge issued an order requiring the publication and posting of notices thereof. The Director of Lands duly opposed, as a report of an investigator of his office was that the area sought to be registered is inside Camp John Hay in Baguio City. This notwithstanding, on November 9, 1968, the respondent Judge rendered his decision, the dispositive portion of which reads: "[Wherefore], this Court hereby orders the registration of this parcel of land, situated in Res. Sec. T, Baguio City, identified as Lots 1, 2, 3, and 4 as shown on survey plan PSU 223402, and described in its Technical Descriptions and Surveyor's Certificate, with a combined total area of 74,017 square meters, more or less, in the names of the petitioners, pro-indiviso, namely, [Alson Carantes], married to Monica Pedro, [Eduardo Carantes], married to Jesusa Rosal, and [Bill Carantes], married to Budaet Onias, all of legal ages, Filipino citizens, with residence and postal addresses at Loakan, Baguio City, Philippines." [4] The efforts exerted by the Director of Lands and the City of Baguio to appeal said decision, seasonally made, did not prosper, respondent Judge being of the belief that 'The proper party to appeal should be Camp John Hay.' Unfortunately, with the Solicitor-General not having been informed of what did transpire, such denial went unchallenged.[5] It was not until August 22, 1969 that the Solicitor-General entered his appearance in the case and filed a motion to annul the decision based

on the ground of lack of jurisdiction of the court over the subject matter of the proceedings as the land in question is part of a duly established military reservation. Such motion was denied by respondent Judge on December 8, 1969. It must be noted that the location of the lot inside Camp John Hay is not a subject of dispute. Apparently, the respondent Judge in refusing to set aside his decision was impressed by the claim that the private respondents had been in possession "since the Spanish regime," and thus came within the protection of the words annotated on all survey plans of Camp John Hay, to wit: "subject to prior and existing private rights." [6]

What is immediately apparent is that even if the above decision were not flawed by a grave infirmity, it could not survive after the decision of this Court in *Republic vs. Marcos*, [7] as noted in the brief for private respondents, an action against the very same judge whose actuation over a matter not dissimilar was challenged and—challenged successfully. For the absence of jurisdiction under such a statutory provision from which he would derive his competence as well as the location of the disputed area inside a military reservation deprived the decision now sought to be nullified of the slightest claim to validity. Nor could private respondents derive comfort from the doctrine of estoppel which as they should be the first to realize cannot operate against the state. Accordingly, as noted at the outset, we grant the petition.

1. The question of jurisdiction was squarely raised and passed upon in the aforesaid *Republic vs. Marcos*. Thus: "Republic Act No. 931 speaks in a manner far from ambiguous. It is quite explicit and categorical. Only persons 'claiming title to parcels of land that have been the object of cadastral proceedings' are granted the right to petition for a reopening thereof if the other conditions named therein are successfully met. It cannot admit of doubt, therefore, that if the parcels of land were not the object of cadastral proceedings, then this statute finds no application. Considering that as far back as October 10, 1910, the then President of the United States, William H. Taft, issued an executive order reserving for naval purposes the lots now disputed, they could not have been the object of the cadastral proceeding involving the Baguio townsite reservation, decided only on November 13, 1922." [8] It was then stated in the opinion: "The Cadastral Act was enacted on February 11, 1913, taking effect on its passage. As is made clear in the first section thereof, when public interest requires that titles to any land be settled and adjudicated, in the opinion of the then executive, the Governor General, he could order the Director of Lands or a private surveyor named by the landowners, with the approval of the Director of Lands, to make a survey and plan of such lands. Clearly, it does not include the survey of lands declared as reservations." [9]

Its historical background was next passed upon: "An earlier act, enacted as far back as 1903, specifically governs the subject matter of reservations. As provided therein: 'All lands or buildings, or any interest therein, within the Philippine Islands lying within the boundaries of the areas now or hereafter set apart and declared to be military reservations shall be forthwith brought under the operations of the Land Registration Act, and such of said lands, buildings, and interests therein as shall not be determined to be public lands shall become registered land in accordance with the provisions of said Land Registration Act, under the circumstances hereinafter stated.' The validity of this statute was sustained as against the allegation that there was a violation of the due process clause, in a 1910 decision, *Jose vs. Commander of the Philippine Squadron*." [10] Finally, an earlier case of decisive significance was referred to: "What is even more conclusive as to the absence of any right on the part of the private respondents to seek a re-opening under Republic Act No. 931 is our ruling in *Government vs. Court of First Instance of Pampanga*, a 1926 decision. We there explicitly held: 'The defendant's contention that the respondent court, in a cadastral case, has jurisdiction to order the registration of portions of a legally established military reservation cannot be sustained. The establishment of military reservations is governed by Act No. 627 of the Philippine Commission and Section 1 of that Act provides that "All lands or buildings, or any interest therein, within the Philippine Islands lying within the boundaries of the areas now or hereafter set apart and declared to be military reservations shall be forthwith brought under the operations of the Land Registration Act, \* \* \*." ' [11]

This Court could conclude therefore that as contended by petitioner Republic, respondent Judge in that case was devoid "of jurisdiction to pass upon the claim of private respondents invoking the benefits of Republic Act No. 931." [12] So it is in the present case. The absence of jurisdiction is equally clear.

2. That Republic vs. Marcos is likewise an insuperable bar to the reopening sought by private respondents is made clear by the latter portion of the opinion. Thus: "This lack of jurisdiction on the part of respondent Judge is made more patent by another specific restriction of the right of a person to seek reopening under this statute. For the power of the Court to order such reopening is limited 'to such of said parcels of land as have not been alienated, reserved, leased, granted, or otherwise provisionally or permanently disposed of by the Government. \* \* \*.' Included in the petition is an executive order of then President Herbert Hoover of June 19, 1929, declaring to be a naval reservation of the Government of the United States 'that tract of land known as Lot No. 141, residence Section D, Baguio naval reservation, heretofore reserved for naval purposes \* \* \*.' If there were still any lingering doubt, that ought to be removed by this reaffirmation of a presidential determination, then binding and conclusive as we were under American sovereignty, that the lot in question should be a naval reservation." [13]

3. The state of the law could thus be summarized: "The private respondents are thus bereft of any right which they could assert under Republic Act No. 931. Such an enactment is the basis of whatever standing that would justify their reliance on the specific power granted Courts of first Instance to re-open cadastral proceedings. Such jurisdiction is thus limited and specific. Unless a party can make it manifest by express language or a clear implication from the wording of the statute too strong to be resisted, he may not set in motion the judicial machinery' under such specific grant of authority. This, private respondents have failed to do as the statute in terms that are crystal clear and free from ambiguity denies them such a right. Petitioners have made out their case for certiorari and prohibition." [14]

Private respondents, however, would not give up without an attempt to escape from the operation of a decision that is controlling. Not that it did them any good. Their counsel, with a show of diligence, would cite authorities on estoppel. He ought to have known better. He should have realized that resort to them would be without avail. For, as Justice J.B.L. Reyes, speaking for this Court, in Luciano vs. Estrella, [15] categorically declared, "it is a well known and 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." [16] In an earlier case, Republic vs. Philippine Rabbit Lines, Inc., [17] there was an enunciation of such a principle in this wise: "Thus did the lower court, as pointed out by the then Solicitor General, conclude that the government was bound by the mistaken interpretation arrived at by the national treasurer and the auditor general. It would consider estoppel as applicable. That is not the law. Estoppel does not lie. Such a principle dates back to Aguinaldo de Romero vs. Director of Lands, a 1919 decision." [18]

Nor is this all. An indication that one's appreciation of controlling doctrines leaves something to be desired is bad enough. What is worse is the impression yielded of a failure to discern the thought that lies behind the 1969 decision of Republic vs. Marcos. [19] It is this: the state as a persona in law is the juridical entity, which is the source of any asserted right to ownership in land under the basic doctrine embodied in the 1935 Constitution as well as the present charter. It is charged moreover with the conservation of such patrimony. [20] There is need therefore of the most rigorous scrutiny before private claims to portions thereof are judicially accorded recognition, especially so where the matter is sought to be raked up anew after almost fifty years. Such primordial consideration, not the apparent carelessness, much less the acquiescence of public officials, is the controlling norm. Nor is there anything unjust in such an approach as the alleged deprivation of a private right without justification by the government is not remediless, where there is persuasive proof that such is the case. The point of this decision as well as the earlier Republic vs. Marcos is that the procedure followed by private respondents is not the road to such an objective even on the assumption, purely hypothetical, that there is basis in law for what is

hoped for and aimed at.

WHEREFORE, the writ of certiorari is granted annulling and setting aside the decision of respondent Judge, dated November 9, 1968, which is declared to be without any force or effect as having been issued without jurisdiction. Costs against private respondents.

Makalintal, Acting C.J., Ruiz Castro, Teehankee, Barredo, and Esguerra, JJ., concur.

Makasias and Antonio, JJ., took no part.

Zaldivar, J, is on leave.

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[1] Republic Act 931 as amended by Republic Act 2061 in its Section 1 reads as follows; "All persons claiming title to parcels of land that have been the object of cadastral proceedings, who at the time of the survey were in actual possession of the same, but for some justifiable reason had been unable to file their claim in the proper court during the time limit established by law, in case such parcels of land, on account of their failure to file such claims, have been, or are about to be declared land of the public domain, by virtue of judicial proceedings instituted within the forty years next preceding the approval of this Act, are hereby granted the right within \* \* \*, to petition for a reopening of the judicial proceedings under the provisions of Act Numbered Twenty-two Hundred and Fifty-Nine, as amended, only with respect to such o/said parcels of land as have not been alienated, reserved, leased, granted or otherwise provisionally or permanently disposed of by the Government, \* \* \*." (1958)

[2] L-29675, September 30, 1969, 29 SCRA 517.

[3] General Land Registration Office Record No. 211.

[4] Petition, pars. 1-5.

[5] Ibid., par. 6.

[6] Ibid., pars. 7-9.

[7] L-29675, September 30, 1969, 29 SCRA 517.

[8] Ibid., 526.

[9] Ibid.

[10] Ibid., 526-527.

[11] Ibid., 527-528.

[12] Ibid., 528.

[13] Ibid.

[14] Ibid., 528-529.

[15] L-31622, August 31, 1970, 34 SCRA 769.

[16] Ibid., 776.

[17] L-26862, March 30, 1970, 32 SCRA 211.

[18] Ibid., 218. Cf. Visayan Cebu Terminal Company, Inc. vs. Commissioner of Internal Revenue, L-19530 &

L-19444, February 25, 1965, 13 SCRA 357; Pacific Oxygen & Acetylene Company, Inc. vs. Commissioner of Internal Revenue, L-17708, April 30, 1965, 13 SCRA 622; British Traders' Insurance Company, Ltd. vs. Commissioner of Internal Revenue, L-20501, April 30, 1965, 13 SCRA 719; Luzon Stevedoring Corp. vs. Court of Tax Appeals, L-21005, October 22, 1966, 18 SCRA 436.

[19] L-29675, September 30, 1969, 29 SCRA 517.

[20] According to the Preamble of the 1935 Constitution: "The Filipino people, imploring the aid of Divine Providence, in order to establish a government that shall embody their ideals, conserve and develop the patrimony of the nation, promote the general welfare, and secure to themselves and their posterity the blessings of independence under a regime of justice, liberty, and democracy, do ordain and promulgate this Constitution." It is substantially reproduced in the revised Constitution.

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