

FERNANDO ALEJO ET AL., PETITIONERS AND APPELLANTS, VS. MARIANO GARCHITORENA ET AL., RESPONDENTS AND APPELLEES.

G.R. No. L-2326. May 31, 1949

Ponente: REYES, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/463200028d4c/>

REYES, J.:

This is an appeal from an order of the Court of First Instance of Nueva Ecija, dismissing appellants' petition for certiorari to review and set aside the decision of the Director of Lands and the confirmatory decision of the Secretary of Agriculture and Natural Resources on a land dispute between homesteaders.

Complaining against said decision, petitioners alleged that the same was rendered with grave abuse of discretion and in excess of jurisdiction, being contrary to the findings in the investigations conducted for the purpose and in which the parties were duly heard, and based on false assumptions and inferences from another investigation alleged to have been made at an earlier date of which no record exists and of which petitioners were not even notified, the decision being furthermore the consequence of a fraud and misrepresentation perpetrated by the opposing party.

The respondents denied the allegation of fraud and grave abuse of discretion and excess of jurisdiction and attached to their answer a copy of each of the challenged decisions.

Without receiving any evidence and merely upon motion of the Solicitor General, the lower court dismissed the petition on the theory that the decision of the Director of Lands and the Secretary of Agriculture and Natural Resources is conclusive upon the courts.

The appeal involves a point of procedure and presents the question of whether or not a case of this nature could, be dismissed without giving plaintiff an opportunity to prove those allegations of his complaint which would justify judicial review of an executive's decision.

This Court has already held that "any action of the Director of Lands which is based upon a misconstruction of the law can be corrected by the courts." (*Ortua vs. Singson Encarnacion*, 59, Phil., 440.) And while the law declares that the decision of that officer in the disposition of public lands when approved by the head of the department is conclusive "as to questions of fact" (section 4, Commonwealth Act No. 141), the rule only holds "in the absence of a showing that such a decision was rendered in consequence of fraud, imposition, or mistake, other than error of judgment in estimating the value or effect of evidence." (*Ortua vs. Singson Encarnacion*, supra.) It certainly was not intended said this Court in that case, "by the legislative body to remove from the jurisdiction of courts all right to review decisions of the Director of the Bureau of Lands, for to do so would be to attempt something which could not be done legally." Also to the point is the following pronouncement in an earlier decision:

"It is incumbent upon the courts of justice to examine and declare at the instance of the interested party, whether in the enforcement of any statute there has been any violation of its provisions in order to prevent, in the use of the discretion commended to the public official authorized to apply the law the commission of abuses detrimental to the citizen whose rights are expressly insured by the exact fulfilment of the law." (*Rojas*

vs. Director of Lands, 35 Phil., 196.)

To bring their case within the orbit of judicial review, petitioners allege that the decision of the Director of Lands as well as that of the Secretary of Agriculture and Natural Resources "was a consequence of fraud and misrepresentation of respondents Francisco Pagaduan and Miguel Alfonso in that in their homestead applications they included the portions which have already been occupied by petitioners and made it appear that the land applied for was unoccupied when in fact said land was occupied by petitioners;" that the said Secretary made an erroneous application of section 95 of Commonwealth Act No. 141 in not giving petitioners, as actual occupants of the land, priority in the acquisition thereof; that he exceeded his jurisdiction and gravely abused his discretion "in deciding the case on inferences from an alleged investigation in 1934 and on inferences from a mythical survey in 1937, no records of which exist," thus adjudicating petitioners' case "not on the facts of the inquiry in which they were heard and upon which they have relied for decision;" that notwithstanding investigations "duly conducted and of record and in which the parties were duly heard and represented, the Director of Lands on February 5, 1947, with grave abuse of discretion, decided adversely against the petitioners by dismissing their claims and adjudicating the case on inferences from an investigation allegedly conducted by Public Lands Inspector Miguel Tuason in 1934, no records of which exist and in which the petitioners were not even notified nor were they made parties, and also on inferences regarding an alleged survey in 1937 no records of which exist and which in turn is falsely assumed from a blueprint plan copied from an index map of Sto. Domingo Cadastre."

Briefly stated, petitioners' complaint is that the decisions sought to be reviewed were the consequence of fraud and misrepresentation and rendered with grave abuse of discretion in that they were based upon fictitious facts or mere inferences from an alleged investigation in which they were not heard and of which there is no record, and contrary to findings made in other investigations to which they were parties. These charges, if proved, would, we think, justify judicial intervention. But petitioners were not given an opportunity to prove them, the lower court, as already stated, having dismissed the petition upon mere motion of the opposing party. This is clear judicial error which must be corrected.

The lower court held that the decisions sought to be reviewed, copies of which were attached to the answer, are conclusive so that there is nothing for it to review. It does not appear that petitioners agreed to a judgment on the pleadings or waived their right to present proof. If a petition to have such decisions set aside on the ground of fraud, grave abuse of discretion, lack of factual basis or proper hearing could be defeated by the mere presentation of copies of such decisions, unaccompanied by supporting papers or record, before the petitioner has presented proof to establish those grounds, then the courts might as well close their doors to cases of this kind.

The brief for the respondents charges unreasonable delay (120 days) in taking the matter to the courts after final decision in the executive branch of the Government. The law, however, does not fix any period for that purpose, and in such case the rule is that the recourse to the courts may be availed of within a reasonable time. But what is a reasonable time in any given case depends upon the circumstances of that case, of which proof must be adduced if they are not admitted. There being no such proof or admission, the plea of laches or unreasonable delay cannot as yet be decided.

In view of the foregoing, the order dismissing the petition for certiorari is revoked and the case remanded to the court below for further proceedings, without special pronouncement as to costs. So ordered.

Ozaeta, Feria, Pablo, Perfecto, Bengzon, Tuason, and Montemayor, JJ., concur.

REYES, J.:

I hereby certify that Mr. Justice Paras reserved his vote, Mr. Justice Briones did not take part and Chief Justice

Moran voted in favor of this decision.

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.