

PACIENCIA BENIGA, ET AL., PLAINTIFFS-APPELLANTS, VS. RUFINA BUGAS, DEFENDANTS-APPELLANT.

G.R. No. L-28918. September 29, 1970

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

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REYES, J. B. L., Acting C.J.:

Joint appeal (Record on Appeal was approved on 23 March 1968) directly taken to the Supreme Court by both the plaintiffs and the defendant from an amended decision of the Court of First Instance of Misamis Occidental, in its Civil Case No. 2598, declaring the former as the owners and ordering the latter to deliver the possession of a portion of a parcel of land but "without (the latter) having to account for the fruits and the produce of the same until actually delivered and to pay the costs of the proceedings".[1]

The findings of fact in the said decision were based upon a stipulation of facts and upon evidence adduced on controverted matters not covered by the stipulation. Said findings are as follows:

The land in controversy is - -

"Bounded on the North by Salimpono River, SOUTH by Magsirawang Brook, EAST by V. Baol and R. Mabascog, WEST by D. Malon, A. Beniga and M. Lusing, containing an area of 2.1680 hectares under Tax Declaration No. 71458 in the name of the late Antonio Mabascog, and assessed at P1,680.00" - -

and constitutes a portion of a parcel of land situated in barrio Magsirawag (Guintomoyan), Jimenez, Misamis Occidental, designated as Lot 2031, Pls-646 under Free Patent No. 232966, containing an area of 47,429 square meters.

Free Patent No. 232966 was issued on 3 May 1963. The patentee, Antonio Mabascog, died on 5 September 1966. Before his death, however, he donated inter vivos, on 22 September 1965, the controverted portion of the parcel of land to the defendant Rufina Bugas, who, thenceforth, took possession of the property.[2] At the time of the donation, both donor and donee did not know about the issuance of the patent.

The deceased Antonio Mabascog was a widower at the time of the donation.[3] He died without a descendant or ascendant, leaving as his heirs the herein plaintiffs Paciencia Beniga, Anselmo Burlat, Dionisia Melon, Buenaventura Vale, Agapito Vale, Alfonso Vale, Matea Vale and Manuel Vale, who are the children of the four deceased sisters of Antonio Mabascog.

Upon the foregoing facts, the court a quo held that the donation was null and void, being in violation of the 5-year prohibitory period against alienation of lands acquired under free patent, pursuant to Section 118 of Commonwealth Act 141, as amended by Commonwealth Act 496 (sic, but obviously referring to CA No. 456) and, therefore, the donee transferred no right to defendant Rufina Bugas, but held her possession and enjoyment of the property in litigation as made in good faith and, therefore, not accountable for the fruits that she had gathered therefrom.

Appellant-defendant's theory is that the 5-year prohibitory period should begin to run from the date of inscription

of the patent in the Registry Book, which was on 13 January 1966, in cases where the contracting parties had no prior knowledge of the issuance of the patent at the time they executed their contract; and pursuant to this theory, she avers that the donation of 22 September 1965 does not fall within the prohibited period, hence, the donation is not invalid.

Obviously, the defendant-appellant's thesis is untenable. It proceeds on the unstated assumption that alienations by patentees to persons or entities not excepted by law are invalidated only if made within the five year period from and after the issuance of the patent. This is incorrect, for Section 118 of the Public Land Act (Commonwealth Act No. 141, as amended by Commonwealth Act No. 456) recites as follows:

"SEC. 118. Except in favor of the Govern-ment or any of its branches, units, or institutions, or legally constituted banking corporations, lands acquired under free patent or homestead provisions shall not be subject to encumbrance or alienation from the date of the approval of the application and for a term of five years from and after the date of issuance of the patent or grant nor shall they become liable to the satisfaction of any debt contracted prior to the expiration of said period; but the improvements or crops on the land may be mortgaged or pledged to qualified persons associations, or corporations.

No alienation, transfer, or conveyance of any homestead after five years and before twenty-five years after issuance of title shall be valid without the approval of the Secretary of Agriculture and Natural Resources, which approval shall not be denied except on constitutional and legal grounds."

It is clear from the language of the law that the alienation of lands acquired by homestead or free patent grants is forbidden "from the date of approval of the application" up to and including the fifth year "from and after the date of the issuance of the patent or grant". Otherwise, the provision makes no sense, for the prohibition starting from the date of approval of the application would have no terminal date. Since the 1965 donation in favor of defendant-appellant was clearly within the period of prohibited alienation, whether the same be deemed to end five years counted from the issuance of the patent or grant, or five years counted from its registration or recording with the Register of Deeds, said donation is plainly void.

Anyway, it has been repeatedly held that the period is not computed from the date of registration with the Register of Deeds or from the date of the certificate of title.[4]

Section 118 does not exempt patentees and their purported transferees who had no knowledge of the issuance of the patent from the prohibition against alienation; for the law does not say that the five years are to be counted "from knowledge or notice of issuance" of the patent or grant. The date of the issuance of the patent is documented and is a matter of government and official record. As such, it is more reliable and precise than mere knowledge, with its inherent frailties. Indeed, the policy of the law, which is to give the patentee a place where to live with his family so that he may become a happy citizen and a useful member of our society,[5] would be defeated were ignorance of the issuance of a patent a ground for the non-application of the pro-hibition.

Equity, as ground for the validation of the donation, may not be invoked, for the prohibition under the aforesaid Section 118 is mandatory,[6] and the "general principles of equity will not be applied to frustrate the purpose of the laws or to thwart public policy." [7]

As asserted by defendant-appellant donee, the donation of the land in violation of Section 118 shall cause the reversion of the property to the State, as provided for in Section 124 of the law. However, such reversion, which could be of the entire land covered by the patent,[8] is "a matter between the State and the Grantee or his heirs"[9] but does not preclude the heirs from suing to have the alienation declared invalid,[10] for their right to the possession of the land is superior to that of the trans-feree in the void alienation.[11]

On the part of the plaintiffs-appellants, they counter-assign as error, the lower court's not ordering the defendant

to pay damages, at least from receipt of judicial summons. It is true that possession in good faith ceases upon the possessor's becoming aware of the flaw of his title and from there on, the possessor should be held accountable for the fruits of the land.[12] However, in the instant case, the lower court made no finding as to the amount of the produce, hence it becomes necessary to remand the case to the court of origin for the determination of the value of the fruits accrued from and after summons, and of the deductions corresponding to the costs of production.

FOR THE FOREGOING REASONS, the appealed decision, in so far as it decrees the nullity of the donation in favor of appellant Rufina Bugas, is hereby affirmed. The case is remanded to the court of origin for determination of the net indemnity due from respondent Bugas to the plaintiffs-appellants Beniga, et al. Without costs.

SO ORDERED.

Dizon, Makalintal, Zaldivar, Ruiz Castro, Fernando, Teehankee, Barredo, Villamor, and Makasiar, JJ., concur.
Concepcion, C.J., on official leave.

[1] As per Amended Decision (Record on Appeal, page 102).

[2] The donee had been reared from infancy by donor and his predeceased wife.

[3] See Exhibit "2", which is the deed of donation.

[4] Register of Deeds v. Director of Lands, Re Consulta No. 1370, 72 Phil. 313; Arojo de Dumelod, et al. v. Vilaray, 92 Phil. 967; Crisanto v. Tajon, 93 Phil. 1111, unrep., L-4455, 22 May 1953.

[5] Jocson v. Soriano, 45 Phil. 375.

[6] Republic v. Ruiz, L-23712, 29 April 1968, 23 SCRA 348.

[7] 30 C. J. S. 981.

[8] Republic v. Garcia, 105 Phil. 826, 830.

[9] Santos v. Roman Catholic Church of Midsayap, 94 Phil. 405.

[10] Eugenio v. Perdido, 97 Phil. 41.

[11] Castro v. Orpiano, 90 Phil. 491.

[12] Articles 552 and 1123, Civil Code of the Philippines; Tolentino, Com. & Jur. on the Civil Code of the Phil., 1963 ed., Vol. II, pages 242-243.

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