

**MARIA L. HERNANDEZ, ET AL., PLAINTIFFS AND APPELLEES, VS.
HILAMON CLAPIS, ET AL., DEFENDANTS AND APPELLANTS.***G.R. No. L-6812. March 26, 1956*

Ponente: PARAS, C.J.

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The plaintiffs Maria L. Hernandez and Antonio Hernandez instituted in the justice of the peace court of Tagum, Davao, an action for forcible entry and detainer against the defendants Hilarion Clapis, Sixto Pielago, Ponciano Albeldia, Alejandro Arcena, Consorcio Pregora and Roberto Rebotara, wherein a judgment was rendered in favor of the plaintiffs and against the defendants. The latter appealed to the Court of First Instance of Davao wherein they were declared in default and a decision was accordingly rendered on December 24, 1947, the dispositive part of which reads as follows.:

"In the light of the foregoing considerations, the Court hereby renders judgment in favor of the plaintiffs, as follows: (a) Ordering the defendants, Hilarion Clapis, Ponciano Albeldia, Alejandro Arcena, Consorcio Pregora, Roberto Rebotara, and Sixto Pielago and/or their agents, to vacate the land in question (lot 2806, Tagum, B. h. Cad. No. 276), situated at Nanyo, Tagum, Davao and to restore the same to the immediate possession of the plaintiffs, Maria L. Hernandez and Antonio Hernandez; (b) Sentencing said defendants to pay, jointly and severally, unto the plaintiffs, the sum of P2,786 and P1,078.50, by way of damages, with the corresponding obligation on the part of said plaintiffs to turn over the said sum of P1,087.50 to the Bureau of Lands, as the latter participation in the produce; and (c) to pay the costs."

The defendants again appealed to this Court which, on October 3, 1950, affirmed the judgment of the Court of First Instance of Davao. The decision of this Court having become final, the plaintiffs filed in the Court of First Instance of Davao on December 15, 1950, a motion praying that a writ of execution be issued and that the bond filed by the Manila Surety and Fidelity Co., Inc., to stay execution be levied upon to satisfy the damages and costs awarded in favor of the plaintiffs. On January 25, 1951, the defendants filed an opposition to the motion for execution, alleging that the land in question is public agricultural land under the control and disposal of the Department of Agriculture and Natural Resources and that in a decision rendered by the Secretary of said Department dated March 5, 1949, plaintiffs' right to possess and administer the land was revoked, and the defendants were given the preference to apply for and occupy the same. The plaintiffs filed on February 9, 1951, a reply to defendants' opposition. The defendants in turn filed a supplemental opposition to the motion for execution, followed by a memorandum in opposition to the execution. After the plaintiffs had filed two supplemental replies, one dated March 7 and another dated April 10, 1951, the court issued an order directing the issuance of a writ of execution, on the ground that it was ministerial and mandatory for said court to do so, the decision involved having become final. Having failed to secure a reconsideration, the defendants have taken the present appeal to this Court. .

The land in question is admittedly of the public domain. It was covered by sales application No. 8297 of Santiago Santos which was cancelled by the Director of Lands on October 5, 1935, with the approval of the Secretary of

Agriculture and Commerce, for the reason that the applicant was a dummy of the Japanese. In 1947, plaintiff Maria L. Hernandez filed a sales application for a portion containing an area of 50 hectares, while her husband, plaintiff Antonio Hernandez, filed a sales application for an adjoining lot. In the meantime, the defendants who are veterans of the last world war, believing that they were entitled to preference, took possession of the land. In view of the conflict that arose, due investigation was made by the proper administrative authorities, resulting in the decision of the Secretary of Agriculture and Natural Resources dated March 5, 1949, which (1) revoked the appointment of plaintiff Maria L. Hernandez for the administration of the land in question; (2) rejected her sales application and the sales application filed by her husband, plaintiff Antonio Hernandez; and (3) allowed defendants Hilarion Clapis and Sixto Pielago to apply for said land, being entitled to preference in pursuance of the provisions of Republic Act No. 65. A subsequent motion for reconsideration filed by the plaintiffs with the Secretary of Agriculture and Natural Resources was denied in the latter's order of 'Stiff; 30, 1949. Upon appeal by the plaintiffs, the President of the Philippines, on July 26, 1950, affirmed the decision of the Secretary of Agriculture.

In our opinion the present appeal is meritorious. While the decision in the forcible entry and detainer case is final, it can no longer be executed at least in so far as the possession of the land in question is concerned, because, under section 4 of Commonwealth Act No. 141, the Director of Lands has direct executive control of the survey, classification, lease, sale or any other form of concession or disposition and management of the lands of the public domain, and his decisions as to questions of fact are conclusive when approved by the Secretary of Agriculture; and because the latter had already cancelled the right of plaintiff Maria L. Hernandez to administer the land in question and rejected both her sales application and that of her husband, plaintiff Antonio Hernandez, at the same time giving the defendants the preferential right to apply for said land in virtue of the provisions of Republic Act No. 65. The correctness of the final decision of the Secretary of Agriculture is not herein involved, but it is valid and binding until reversed in a proper proceeding by the court. The situation is not that the judgment in the forcible entry and detainer case has lost its virtuality, but that, the plaintiffs had subsequently ceased to be entitled to the relief awarded by said judgment.

However, the money judgement in favor of the plaintiff a not being within the scope of the administrative control granted by law to the Director of Lands with reference to public land, may still be enforced by execution

Wherefore, the appealed order will be as it is hereby reversed in so far as the matter of possession of the land in question is concerned, but affirmed in so far as it relates to the award of damages in favor of the plaintiffs and against the defendants. So ordered without costs.

Bengzon, Padilla, Reyes, A., Bautista Angelo, Labrador, Concepcion, Reyes, J. B. L. and Endencia, JJ., concur.

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