

[WITH RESOLUTION OF August 21, 1964]*G.R. No. L-14852. May 30, 1961*

Ponente: PADILLA, J.

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Teodosia Natividad, assisted by her husband Rufino Poquiz, filed a verified complaint in the Court of First Instance of Pangasinan against Marceliano Nadal, Tomas Nadal, Filemon Nadal and Isabelo Mendoza, the first being the father of the second and the third and the father-in-law of the last mentioned person, to quiet title to a parcel of land, of 4½ hectares, a part of the parcel described in original certificate of title No. 1633, issued by the Register of Deeds in and for the province of Pangasinan (Exhibit A), pursuant to homestead patent No. 28614, issued by the Governor General on 27 August 1934, to recover damages in the sum of P2,500, to obtain other just and equitable relief, to secure a writ of preliminary injunction upon the filing of a bond enjoining the defendants, their attorneys, agents, tenants and other persons acting for and in their behalf from entering into and taking possession of the parcel of land and/or from disturbing or molesting the plaintiffs in their possession thereof (civil No. 13275). The Court granted the writ prayed for upon the filing of a bond in the sum of P500. After the plaintiffs had filed the required bond the Clerk of Court issued the writ which was duly served upon the defendants.

After the defendants had filed their answer setting up their defenses and counterclaim for damages in the amount of P3,000, the amount they allegedly would have realized as their share in the harvest of the land from 1953 to 1955, and P1,000 annually thereafter until possession of the parcel of land in question be recovered and P2,500 as attorney's fee; the plaintiffs, a reply and answer to the defendants' answer and counterclaim; and the Court, as prayed for by the plaintiffs, had ordered the substitution of Teodosia Natividad, who died during the pendency of the case, by her children Jesus, Juana, Adela, Adoracion and Lolita, all surnamed Poquiz, the parties submitted to the Court a stipulation of facts and Exhibits A, B, C and D and 1, 2, 3, 4, 5 and 6, which were made an integral part of the stipulation, and prayed that judgment be rendered thereon.

On 30 September 1958 the Court rendered judgment holding that the decree entered by the land registration court in case No. 1053, G.L.R.O. rec. No. 16366, Antonia Tamondong, applicant, excluding lot No. 34 indicated in the sketch, Exhibit X for the oppositors therein, Exhibit 3 herein, from the parcels of land sought to be registered by the applicant in her name, and on appeal by the Director of Lands affirmed by the Supreme Court, is "res adjudicata with respect to the land in question, and hence, it cannot be further litigate;" that the homestead patent issued to Mariano Natividad, father of the plaintiff Teodosia Natividad and grandfather of her children who substituted for her after her death, was null and void, because it covered a private land; that even if the defendants had cultivated only a small part of the homestead, the same was tantamount to possession of the whole; and that the plaintiffs did not have uninterrupted possession of the larger part of the homestead, and dismissing the plaintiffs' complaint but "confirming the ownership of the defendants" to the parcel of land described in paragraph 4 of the complaint, with costs against the plaintiffs.

The plaintiffs filed a motion for reconsideration, the defendants, an objection thereto, and the plaintiffs, a reply to

the defendants' objection. On 7 November 1958 the Court entered an order denying the plaintiff's motion for reconsideration. The plaintiffs have appealed.

From the stipulation of facts and exhibits submitted by the parties, the following facts materials to this case may be gathered: On 1 October 1919 Antonia Tamondong filed in the Court of First Instance of Pangasinan an application for registration under the provisions of Act No. 496, of two parcels of land situated in barrio Dorongan, municipality of Mangatarem, province of Pangasinan, with an area of 82 hectares, 59 areas and 88 centares (G.L.R.O. Rec. No. 16366, case No. 1053, Exhibit 2). Appellee Marceliano (Marcelino) Nadal filed an opposition to the foregoing application insofar as it affected the parcel of land described as follows:

Terreno situado en el barrio de Dorongan, Mangatarem, Pangasinan, I.F., que mide unas tres (3) hectareas aproximadamente. Linda por el Norte con Domingo Soria, por el este con Mariano Campit, Juan Pinic y Macario Valdez, por el Sur con Mariano Parlan y por el Oeste con Eduardo Quita,

which he claimed to be his (Exhibit 1). The Director of Lands and other persons whose names need not be mentioned also objected to the applicant's petition. On 11 February 1928 the land registration court rendered judgment (Exhibit 2) ordering among others the exclusion of lot No. 34, with an area of 45,827 sq. m. more or less, shown in the sketch, Exhibit X for the oppositors (Exhibit 3 herein), and the registration of the parcels of land claimed by the applicant Antonia Tamondong in her name (Exhibit 2). Only the Director of Lands appealed from the judgment of the land registration court. On 16 October 1929 this Court affirmed the decree of registration (G. R. No. 31229, Exhibit 4).

On 31 March 1930, acting upon the contesting claims of Marcelino (Marceliano) Nadal, Maximo Campit, Juan Acosta, Eduardo Quita and Macario Valdez to the parcel of land situated in Mangatarem, Pangasinan, applied for as homestead by Mariano Natividad, father of the appellant and grandfather of the substitute appellants, the Director of Lands dismissed the contestants' claim and gave due course to his application (H. A. No. 45311 [E-23785], Exhibit B). On 27 August 1934 the Governor General of the Philippine Islands issued to Mariano Natividad a homestead patent on a parcel of public agricultural land with an area of 17 hectares, 25 area and 59 centares, situated in the barrio of Dorongan, municipality of Mangatarem, province of Pangasinan. On 14 September 1934 the Registrar of Deeds in and for the province of Pangasinan issued to Mariano Natividad original certificate of title No. 1633 covering the homestead parcel of land (Exhibit A). On the back of original certificate of title No. 1633 (Exhibit A) the following note appears: "Lot No. 1 (of the parcel of land described therein) is entirely inside of Psu-15572, lot No. 1 as surveyed for Antonia Tamondong, which was excluded from said Psu-15572 lot No. 1 in accordance with the decision of the Supreme Court promulgated on Oct. 16, 1929, in R. G. No. 31299." Lot No. 34, containing an area of 45,827 sq. m. more or less, shown in the sketch, Exhibit X of the oppositors (Exhibit 3 herein), ordered excluded by the land registration court from the parcels of land registered in the name of Antonia Tamondong, is included in lot No. 1 mentioned in the abovequoted annotation on the back of original certificate of title No. 1633 (Exhibit A, see par. 9, stipulation of facts).

From 1908 as found by the Land Registration Court (Exhibit 2) or from 1922 as stipulated by the parties (par. 12 of the stipulation), the appellees had been in actual possession of the whole area of lot No. 34 and had been harvesting the produce thereof, until 1942 when the appellants took possession of the whole and began clearing the jungle part of the said lot, over the objection of the appellees.

Section 37, Act No. 496, as amended, provides:

* * * That in a case where there is an adverse claim, the court shall determine the conflicting interests of the applicant and the adverse claimant, and after taking evidence shall dismiss the application if neither of them succeeds in showing that he has proper title for registration, or shall enter a decree awarding the land applied

for, or any part thereof, to the person entitled thereto, and such decree, when final, shall entitle to the issuance of an original certificate of title to such person: * * *.

Section 38 of the same Act, as amended, provides:

If the court after hearing finds that the applicant or adverse claimant has title as stated in his application on adverse claim and proper for registration, a decree of confirmation and registration shall be entered. * * *.

As already stated, lot No. 34 (Exhibit 3) is included in lot No. 1 described on the back of original certificate of title No. 1633 (Exhibit A), issued to Mariano Natividad, the father of the appellant Teodosia Natividad and grandfather of her children who substituted for her after her death. In his opposition to the application for registration of Antonia Tamondong, the appellee Marceliano (Marcelino) Nadal claimed ownership of the said parcel of land. After hearing, the land registration court found that the said appellee had been in possession thereof for more than twenty years, and ordered its exclusion from the parcels of land sought to be registered by Antonia Tamondong in her name. The applicant did not appeal but the Director of Lands did. The Supreme Court affirmed the decree of registration (Exhibit 4). Hence it is clear that the appellee Marceliano (Marcelino) Nadal had acquired title to the lot in question.

Granting that, as claimed by the appellants, since no title to the said lot was issued in the name of appellee Marceliano (Marcelino) Nadal, the same was not completely registered under Act No. 496 and hence could be acquired by prescription, still the appellants did not acquire a title better than the said appellee. It is an established fact that he had been in possession thereof for a period of over twenty years before the land registration court rendered judgment in case No. 1053 (Exhibit 2). That being the case, his possession already had ripened into ownership. The fact that a homestead patent to the same parcel of land had been issued by the Governor General of the Philippine Islands to Mariano Natividad, father of the appellant Teodosia Natividad and grandfather of her children who substituted for her after her death, and the Registrar of Deeds had issued to him the corresponding original certificate of title under the provisions of Act No. 496, did not improve the appellants' and their predecessors' position. The Government cannot grant a homestead patent on a parcel of land already owned by one to another person and the patent thus issued is null and void. Moreover, on the back of original certificate of title No. 1633 (Exhibit A), it is stated that the lot in controversy was excluded from the parcels of land registered in the name of Antonia Tamondong. Neither could the appellants acquire ownership thereto by prescription, notwithstanding the fact that no Torren's title had been issued to Marceliano (Marcelino) Nadal under the provisions of Act No. 496, as amended, because the appellants' possession, including, that of their predecessors', since 1942 had been in bad faith, they being aware of the flaw in their title or chargeable with knowledge thereof in view of the annotation on the back of the title (Exhibit A), and their possession since the beginning had been objected to by the appellees. The judgment appealed from confirms the appellees' ownership of the parcel of land described in paragraph 4 of the complaint. This is a mistake because it is not that parcel of land but one included therein containing an area of 45,827 sq. m. mentioned in paragraphs 9 and 12 of the complaint and paragraph 2-b of the appellees' answer.

With the foregoing modification the judgment appealed from is affirmed, with costs against the appellants.

Bengzon, C.J., Bautista Angelo, Labrador, Concepcion, Reyes, J.B.L., Barrera, Paredes, Dizon, De Leon, and Natividad, JJ., concur.

RESOLUTION

21 August 1964

PADILLA, J.:

This is a motion for reconsideration filed by counsel for the appellants, plaintiffs in the court below, on the ground that the Court overlooked paragraph 13 of the stipulation of facts, which reads as follows:

That, however, since 1942 the plaintiffs, on the strength of the above mentioned Certificate of Title in the name of their grandfather, took possession of said whole lot 34 which is included within said title, and have since been in continuous, exclusive and adverse possession thereof as owners and have been exclusively enjoying the products therefrom up to the present, notwithstanding the opposition of the defendants.

It is true that the patent issued to Mariano Natividad, father of the appellant Teodosia Natividad, could not confer title to the patentee, because it was a private land registered in the name of Antonia Tamondong, which had been the subject of registration proceedings, where the Nadals had filed an opposition to the application in so far as it included a parcel of land owned by them and, after hearing, were declared owners of the lot claimed by them, numbered 34 and excluded from one of the parcels of land applied for registration by Antonia Tamondong, and the part of the parcel of land not objected to and the other parcels of land were decreed registered in the name of the applicant Antonia Tamondong. It also is true that on the back of the certificate of title No. 1633 issued to Mariano Natividad upon a patent, Lot No. 34, a parcel of land of 4 hectares, 58 ares and 27 centiares, or 45,827 sq. m., was noted to belong to Marceliano Nadal. This notation on the back of the certificate of title No. 1633, Exhibit A, does not constitute a decree of registration. It was the result of a decree entered by the Court of Land Registration before the passage of the amendatory Act No. 3621 which took effect on 5 December 1929.

The decree entered by the Court of Land Registration, affirmed by this Court, wherein Marceliano Nadal was held to be the owner of that parcel of land included in another parcel applied for by Antonia Tamondong may be likened to a judgment rendered by a court in an action for quieting title to a parcel of land. Such decree or judgment does not preclude any party from acquiring title to the parcel of land by adverse possession, pursuant to section 41 of the Code of Civil Procedure, or Act No. 190.

It appearing from the stipulation of facts that Teodosia Natividad and her predecessor-in-interest had been in possession for more than ten years, they acquired title to the said parcel of land of 45,827 sq. m.

The original judgment promulgated on 30 May 1961 which affirmed the judgment appealed from is set aside and the case remanded to the Court whence it came to proceed with the trial of the case in accordance with this resolution without pronouncement as to costs.

Padilla, Bautista Angelo, Concepcion, Reyes, J.B.L., Paredes, Regala, and Makalintal, JJ., concur.

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