

CATALINA VDA. DE VISMANOS, ET AL., PLAINTIFFS AND APPELLANTS VS. MUNICIPALITY OF TAGUM, ET AL., DEFENDANTS AND APPELLEES.

G.R. No. L-20685. August 31, 1965

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

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REYES, J.B.L., J.:

The Court of Appeals certified to this Court this appeal by Catalina Vda. de Vismanos and her children from a decision rendered by the Court of First Instance of Davao, in its Case No. 3609, dismissing the appellants' action for recovery of possession, quieting of title, and damages.

Appellants had pleaded in their complaint, dated 16 August 1961, that, as heirs of the late Clemente Vismanos, they had secured from the Government a homestead patent (No. V-3062) covering two parcels of land, designated as lots Nos. 2512 and 2513, of the Tagum cadastre (B.L. Cad. 276); that the patent was duly recorded and thereby Original Certificate of Title No. P-953 issued to said parties; that prior to the issuance of the patent plaintiffs were induced by Mayor Manuel Suaybaguio of Tagum to sign, on 28 June 1948, a document which they believed to be a lease of a one hectare parcel of land to the Municipality of Tagum, for an annual rent of P200.00; that the deed turned out to be one of relinquishment of rights in favor of the Municipality for P200.00; that said document did not reflect the true intention of the parties; that Catalina's children at the time were minors; that the deed was not approved by the Secretary of Agriculture, and, moreover, it was executed in violation of the Public Land Act and, therefore, null and void; that the recited consideration was grossly inadequate; that the Municipality of Tagum, and later that of Panabo, had occupied the land and refused to vacate it despite plaintiffs' insistent demands; that plaintiffs only learned in July, 1961 of the true content of the deed they signed. Plaintiffs prayed for judgment quieting their title to the land, ordering both municipalities to vacate and restore the lot in question, and pay damages and attorney's fees.

The defendants, municipalities of Tagum and Panabo, Davao, answered traversing the material allegations of the complaint; averred the genuineness, validity and due execution of the controverted deed; and pleaded that the action was barred by laches and prescription.

At the trial, the parties submitted the case on the following stipulation of facts:

AGREED STIPULATION OF FACTS

"That the parties plaintiffs and defendants have agreed co submit the following stipulation of facts and would dispense with the presentation of any other evidence, to wit:

(1) That plaintiff, Catalina Vda. de Vismanos, is a widow of the deceased Clemente Vismanos; whereas plaintiffs Jose, Zosima, Senen and Cesar, all surnamed Vismanos, are the surviving children and heirs of the deceased Clemente Vismanos;

(2) That Clemente Vismanos in life was the homestead applicant of a certain parcel of agricultural land

situated in Panabo, Davao (formerly Panabo, Tagum, Davao), Philippines, under and by virtue of Homestead Application No. A-179007, Patent No. V-3062, more particularly described as follows:
Lot No. 2512, B. L. Cad. 276

Containing an area of SIX THOUSAND TWO HUNDRED FIFTY (6,250) SQUARE METERS, more or less, Bounded on the N.t by Lot No. 1644 Tagum B. L. Cad. 276; on the SE., by Lot 2515, Tagum, B. L. Cad. 276 (national highway); and on the W., by-Lot 2511, Tagum, B. L. Cad. 276

'Lot No. 2513, B. L. Cad-276

Containing an area of FIFTY ONE THOUSAND EIGHT HUNDRED FORTY SIX (51346) SQUARE METERS, more or less. Bounded on the N. & E., by Lot No. 1568 Tagum, B. L. Cad-276; on the 276; on the S., by Lot No. 4674, Tagum, B. L Cad-276, and on NW., by Lot No. 515, Tagum, B. L. Cad-276 (national highway).'

(3) That the patent thereto was issued on August 29, 1949, in the name, of the Heirs of Glemente Vismanos, the plaintiffs herein, as shown and evidenced by the order for issuance of patent hereto attached as Annex "A" and by the true copy of Original Certificate of Title No. P-953 of the Register^of Deeds of Davao, hereto attached as Annex "B", to the complaint;

(4) That by virtue of a certain deed of Extra-Judicial Partition and Relinquishment of Bights, executed by the herein plaintiffs Catalina Vda. de Vismanos and co-plaintiffs Jose, Zosima, Senen and Cesar, all sumamed Vismanos, denominated as Doc. No. 34, Page No. 18, Book 1, Series of 1950 of Notary Public Francisco Consolacion of Panabo, Davao, Original Certificate of Title No. P-953 was accordingly cancelled and a new one, known as Transfer Certificate of Title No. B-686, was issued, defining the rights and participation of the parties therein;

(5) That subsequently and more precisely on, ... 1950, Transfer Certificate of Title No. 2725 was issued in the name of plaintiff Catalina Vda. de Vismanos covering a portion of the original lot in question, which portion is bounded and described as follows:

"TRANSFER CERTIFICATE OF TITLE NO. T-2735

A parcel of land (Lot No. 2518 of the subdivision plan psd-24004, G.L.R.O. Cad. Record No.), situated in the Poblacion, Municipality of Panabo, Province of Davao. Bounded on the E., along line 1-2 by Lot 2513-A of plan psd-49004 along line 2-3 lot 4674 of Tagum, Cadastral; and along line 8-1 by Lot 2515-A psd-49004, containing an area of 17,913 square meters or less.'

(6) That the aforesaid title of plaintiff, Catalina Vda. de Vismanos appearing in the record is free from liens and encumbrances;

(7) That one (1) hectare portion mentioned in the deed of relinquishment of rights is presently a portion of Lot No. 2513-B-2 of the subdivision plan psd-49004, G.L.R.O Cadastral record No., covered by Transfer Certificate of Title No. T-2735 in the name of plaintiff Catalina Vda. de Vismanos; that plaintiff Catalina Vda. de Vismanos has been paying all the real estate taxes on the litigated property until now and that in due time, she will submit the tax declaration covering the litigated property;

(8) That on June 18, 1948, before any patent or certificate of title was issued fox the controverted land, the defendant, Municipality of Tagum, through its representative, Mayor Manuel Suay baguio, and the' plaintiff herein, Catalina Vda. de Vismanos and with consent of her minor co-plaintiffs herein, entered into a contract captioned as Quitclaim Deed whereby the latter as grantors relinquished all their shares, interest and participations

in and to the controverted lot, which agreement is hereto attached as Annex "C";

(9) That by virtue of this Quitclaim Deed (Annex "C"), the defendant, Municipality of Tagum and later on, the other defendant, Municipality of Panabo, had been in the actual, open, public, continuous and notorious possession of the land in suit, formerly utilized as a market site before the acquisition of the present permanent market site; that defendant, Municipality of Panabo, has already transferred its market to a new site, which is not the lot in question;

(10) That some of the plaintiffs, specially plaintiff, Catalina Vda. de Vismanos, have always resided in the land adjacent to the controverted lot from the date of the execution of the Quitclaim Deed (Annex "C") and up to the present, when the defendant, Municipality of Panabo, occupied and possessed the lot subject of this action;

(11) That save for the instant suit, no action has ever been filed so far to contest the legality of this Quitclaim Deed (Annex "C") nor the rightful possession of the defendant Municipality of Panabo or its predecessor in interest, the other defendant Municipality of Tagum;

(12) That the parties agree to relinquish all money claims filed by one against the other including the costs of this suit. Davao City, Philippines, February 27, 1962."

The lower court held that even if the deed were executed prior to the issuance of the homestead patent, since the same was in favor of a municipality, the same was valid as being within the exceptions of section 118 of the Public Land Act, as amended, prohibiting alienations of land acquired under homestead or free patent, except in favor of the government, or any of its branches, units or institutions", and dismissed the complaint.

The plaintiffs, thereupon, appealed to the Court of Appeals, which certified the case to this Supreme Court as involving questions of law, exclusively.

Appellants contend that the Court of First Instance erred (1) in not annulling the quitclaim deed which is averred to have been executed in 1948 for violation of sections 20 and 118 of the Public Land Act; (2) in not declaring that the patent issued to the widow and heirs of the late Clemente Vismanos has become indefeasible; (3) in not annulling the sale if only to reaffirm the government's policy to keep a homestead in the hands of the homesteader and his heirs; and (4) in dismissing the complaint.

We find the errors assigned to be untenable. As held by the trial court, the validity of the transfer of a one hectare portion of the homestead land, here in question, to the Municipality of Tagum is declared by section 118 of the Public Lands Act, as amended by Commonwealth Act No. 456, that prescribes the following:

"Except in favor of the Government 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 grounds.' (As amended by Com. Act No. 456) (Italics supplied)."

The Municipality of Tagum was clearly covered by the description "the Government, or any of its branches, units, or institutions" and, therefore, the 1948 quitclaim deed in its favor is excepted from the nullity decreed by said section 118 of the Act. Section 30 of the Act, on the other hand, does not apply, since it refers to transfers of a

homesteader's rights to another on account of the former's inability to continue the cultivation and development of the homestead applied for; which is not the case here, since the homestead was not abandoned but continued until patent was granted.

While the patent issued in 1949 was for the entirety of the homestead, including the portion already quitclaimed in favor of the Municipality of Tagum, the patent did not nullify the quitclaim, at least as between the parties thereto or their privies. On the contrary, the issuance of the Certificate of Title T-2735 in favor of Catalina Vda. de Vismanos, resulted in conferring upon the transferee the title to the contested portion, by operation of law. According to Article 1434 of the Civil Code of the Philippines,

"When a person who is not the owner of a thing sells or alienates and delivers it, and later the seller or grantor acquires title thereto, such title passes by operation of law to the buyer or grantee."

The stipulation of facts is clear that after the execution of the quitclaim deed in 1948 (before patent issued to the appellants and before their title to the land vested in them) the Municipality of Tagum entered the lot in dispute, took possession thereof, and established a market therein. Its title was then defective, since appellants had not yet acquired ownership of the land; but the defect was cured when, subsequently, patent was issued in favor of the transferors and this title automatically vested in the transferee municipality and its successors-in-interests. This result does not impair the indefeasibility of the recorded patent, being an effect of the law itself.

It is no objection that in 1948 some of the co-owners-grantors were still minors, because in the partition the disputed parcel was not ultimately adjudicated to them but was allotted to their widowed mother, Catalina Vda. de Vismanos, who possessed full capacity to act when the deed was executed.

The trial court, therefore, adjudged the case in accordance with law when it dismissed the appellants' action for revindication of the parcel transferred to the Municipality of Tagum. While the policy of the Public Lands law is to maintain and preserve homestead lands in the hands of the grantee and his heirs, that policy does not hold in cases where the land is validly conveyed to other persons or entities.

Finally, it is incontestable that the appellants are barred from prosecuting this action by estoppel on account of their laches or unreasonable delay in filing it. The patent was issued to them since 1949, and since 1948 appellee municipalities had continuously possessed the land in controversy, openly and publicly, establishing a market on it. Appellants could not have been unaware of that fact, since they were residing in the adjacent lot (Stip. of Facts, par. 10), and yet they allowed over twelve years (until 1961) to elapse before seeking judicial and Law and equity are clearly against them.

Wherefore, the appealed decision of the Court of First Instance of Davao is affirmed, without pronouncement as to costs.

Bengzon, C. J., Bautista Angelo, Concepcion, Dizon, Regala, Makalintal, Bengzon, J. P., and Zaldivar, JJ., concur.

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