

IN THE APPLICATION FOR REGISTRATION OF ONE PARCEL OF LAND SITUATED AT PANAKAGAN, PATIIS, SAN MATEO, RIZAL. LUIS R. SANTIAGO, APPLICANT AND APPELLANT VS. PACITA V. DE LOS SANTOS ...

G.R. No. L-20241. November 22, 1974

Ponente: FERNANDO, J.

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FERNANDO, J.:

It is an occurrence, not too often repeated, that counsel, either through a display of candor, which is commendable, or a failure to appreciate the untoward consequences, which is something else again, submits a pleading, which on its face demonstrates the lack of merit of the action he has filed. It did happen here. Plaintiff, now appellant, applied for registration of a parcel of land. In a motion to set the case for hearing, he attached documents indicative of the land being public in character, thus lending support to the opposition of the Director of Forestry, the Director of Lands, and a certain Pacita V. de los Santos. The then Judge Cecilia Munoz Palma, now an Associate Justice of this Court, dismissed the suit. Its reversal is sought in this appeal. It is to be admitted that the brief submitted by new counsel, the firm of Luna and Manalo, is both thorough and comprehensive. It does not, however, avail. The infirmity of the case for appellant is incurable. We affirm.

The facts of the case and why it should be dismissed are set forth with clarity in the appealed order of the then Judge Munoz Palma. Thus: "This is an application filed by Luis R. Santiago for registration of his title over a parcel of land containing an area of 1,288,337 sq. meters located in San Mateo, Rizal. The application is opposed by the Director of Lands, Director of Forestry and by Mrs. Pacita V. de los Santos. On September 15, 1961, after examination of the records, this Court ordered the applicant to show cause why his application should not be dismissed outright on the ground that the property applied for is part of the public domain. Subsequently, motions to dismiss the application were filed by the oppositor Pacita V. de los Santos and the Director of Forestry which motions are principally based on the allegation that the property applied for is a portion of the public domain which was leased to Mrs. Pacita de los Santos under Pasture Lease Agreement No. 1305. After due consideration of the allegations of said oppositors and taking into account certain documents existing in the records of this case, we find the Motion to Dismiss to be justified and meritorious. The Court makes reference to the documents attached to applicant's motion dated August 24, 1961 all of which show that the land object of this registration proceeding is part of the public domain which was leased under Pasture Lease Agreement No. 1305 to the oppositor Pacita V. de los Santos and which was excluded from said lease agreement only in the month of August this year." [1]

Even the most cursory reading of the order of dismissal can lead to no other conclusions except that it should be affirmed. It would be an affront to reason if on the undisputed facts, there would be any other outcome. It does follow therefore that notwithstanding the vigor with which the appeal is prosecuted by new counsel, it does not and cannot suffice for a reversal.

1. The pleading that left no choice to the then Judge Munoz Palma except to dismiss the case reads thus: "[Comes now] the Applicant by the undersigned counsel to this Honorable Court respectfully request that the above-entitled Land Registration Case be calendared for hearing in view of the fact that a portion of the said parcel of land subject of this registration which was claimed as part of the public forest has already been released by the Honorable Secretary of Agriculture and Natural Resources for agricultural purposes as evidenced by its order dated August 10, 1961, ***"[2] Attached to such pleading were the documents, which, in the language of the then Judge Palma, "show that the land object of this registration proceeding is part of the public domain ***" Former counsel ought to have realized the fatal effect on his client's case of such an admission. If it were his intention to demolish entirely the pretension of plaintiff to the claim that he had been in open, public, uninterrupted, peaceful and adverse possession in the concept of owner from July 26, 1894 up to the present, he could not have succeeded any better. What was so categorically therein set forth as to such parcel of land being a part of a public forest, although thereafter released by the Secretary of Agriculture and Natural Resources for agricultural purposes, is conclusive and binding. Our decisions from *Irlanda vs. Pitargue*,[3] announced in a 1912 decision, to *De Borja vs. Vda. de Borja*,[4] promulgated in 1972, speak to that effect. "It is a familiar doctrine," according to Justice J.B.L. Reyes in *Joe's Radio & Electrical Supply vs. Alto Electronics Corp.*,[5] "that an admission made in the pleadings cannot be controverted by the party making such admission and are conclusive as to him, and that all proofs submitted by him contrary thereto or inconsistent therewith, should be ignored, whether objection is interposed by the party or not ***"[6] Even if there had been a full hearing on the case, therefore, the result would not have been any different. There was no choice then for the lower court except to dismiss the complaint.

2. Laboring under such a handicap, how did the present counsel for plaintiff, the law firm of Luna and Manalo, seek to extricate him from a predicament of his own making? It would rely on certain procedural doctrines; more specifically, it would insist on the motion to dismiss of oppositor Pacita V. de los Santos as not being entitled to recognition as there was a general order of default except as to the Bureau of Lands and the Bureau of Forestry, not lifted as to her, and that she had no interest to oppose the application of the registration of her land, although admittedly there was a claim on her part under a pasture lease agreement in her favor. Hence the plea for the order of dismissal being set aside and plaintiff being allowed to present evidence. What purpose, it may pertinently be asked, would be served thereby if, after the time-consuming effort, it would clearly appear that plaintiff could not in truth show that there was such an open, uninterrupted, peaceful and adverse possession in the concept of owner? Nor is it to be forgotten that in the motion to dismiss of oppositor de los Santos, it was stated: "That the son of applicant Luis Santiago, namely Juanito S. Santiago, was one time the Lessee of the aforesaid timer area sought to be registered by him under Pasture Lease Agreement No. 182 on April 18, 1955, which Lease Agreement was cancelled by the Government on August 18, 1958 for failure of Lessee Santiago to make the improvements and comply otherwise with the terms and conditions of the Lease Contract; ***"[7] There was no denial of such allegation. It is quite obvious then that the facts, no less than the law, call for precisely the conclusion reached by the then Judge Munoz Palma.

There is here once more an apt illustration of the Moreland dictum in *Alonso vs. Villamor*: [8] "Technicality, when it deserts its proper office as an aid to justice and becomes its great hindrance and chief enemy, deserves scant consideration from courts." [9] So, too, is this excerpt from an opinion of Chief Justice Moran in *Co Tiamco vs. Diaz*: [10] "Rules of pleading are intended to secure a method by which the issues may be properly laid before the court. When those issues are already clear before the court, the deficiency in the observance of the rules should not be given undue importance. What is important is that the case be decided upon the merits and that it should not be allowed to go off on procedural points." [11] To show how committed is this Court to such a doctrine, reference may be made to the opinion in *Economic Insurance Company, Inc. vs. Uy Realty Company*: [12] "It is

understandable for a party in the situation of petitioner to make full use of every conceivable legal defense the law allows it. In the appraisal, however, of such attempts to evade liability to which a party like petitioner should respond, it must ever be kept in mind that procedural rules are intended as an aid to justice, not as a means for its frustration. Even if the petition were impressed with a greater degree of plausibility, it would be, considering all the circumstances, to crown with success an unworthy scheme to evade a just obligation by perverting the ends procedural requisites are intended to accomplish. Not once but several time, from *Alonso vs. Villamor*, we have stressed that we are not to lend the imprimatur of our approval to any such effort, the result of which would be to render illusory substantive rights. We do so again. Technicalities, in the appropriate language of Justice Makalintal, 'should give way to the realities of the situation.' "[13] Well could Justice Cardozo observe: "A system of procedure is perverted from its proper function when it multiplies impediments to justice without the warrant of clear necessity." [14]

3. The appealed order of dismissal is thus impressed with merit. It has likewise in its favor the soundest policy considerations, based no less on one of the prime objectives of the fundamental law. Both under the 1935 and the present Constitutions, the conservation no less than the utilization of the natural resources is ordained.[15] There would be a failure to abide by its command if the judiciary does not scrutinize with care applications to private ownership of real estate. To be granted, they must be grounded in well-nigh incontrovertible evidence. Where, as in this case, no such proof would be forthcoming, there is no justification for viewing such claim with favor. It is a basic assumption of our polity that lands of whatever classification belong to the state.[16] Unless alienated in accordance with law, it retains its rights over the same as dominus. Its disposition is justified only when shown that its utilization promotes the public welfare. Especially so in case of doubt, considering that our forest resources have been unduly depleted, courts should not lightly accept claims that a parcel of land no longer can be classified as forestal. That is certainly one mode of assuring the realization of the national patrimony being held in trust for future generations. There is thus fealty to the ideal of conservation.

WHEREFORE, the appealed order of November 17, 1961 of the then Judge Munoz Palma is affirmed. Costs against appellant Luis R. Santiago.

Makalintal, C.J., Antonio, Fernandez, and Aquino, JJ., concur.

Barredo, J., took no part.

[1] Record on Appeal, Order of Dismissal, 136-138.

[2] *Ibid*, 28.

[3] 22 Phil. 383.

[4] L-28040, August 18, 1972, 46 SCRA 577. Cf. *Lucido vs. Calupitan*, 27 Phil. 148 (1914); *Ramirez vs. Orientalist Co.*, 38 Phil. 634 (1918); *Manalo vs. Gueco*, 42 Phil. 925 (1920); *McDaniel vs. Apacible*, 44 Phil. 248 (1922); *Bastida vs. Menzi and Co.*, 58 Phil. 188 (1933); *Rodulfa vs. Alfonso*, 76 Phil. 225 (1946); *Aquino vs. Blanco*, 79 Phil. 647 (1947); *Cunanan vs. Amparo*, 80 Phil. 227 (1948); *Joe's Radio and Electrical Supply vs. Alto Electronics*, 104 Phil. 333 (1958); *Sta. Ana vs. Maliwat*, L-23023, August 31, 1968, 24 SCRA 1018; *Libudan vs. Gil*, L-21163, May 17, 1972, 45 SCRA 17.

[5] 104 Phil. 333 (1958).

[6] *Ibid*, 340.

[7] Record on Appeal, Motion to Dismiss of Oppositor Pacita V. de los Santos, par. 8.

[8] 16 Phil. 315 (1910).

[9] Ibid, 322.

[10] 75 Phil. 672 (1946).

[11] Ibid, 681. Cf. *De Jesus vs. Manglapus*, 81 Phil. 114 (1948); *Municipality of Hinabangan vs. Wright*, 107 Phil. 394 (1960); *Jalandoni vs. National Resettlement and Rehabilitation Administration*, 108 Phil. 486 (1960).

[12] L-28056, August 31, 1970, 34 SCRA 744.

[13] Ibid, 749.

[14] *Reed vs. Allen*, 286 US 191, 209 (1932).

[15] The Preamble of the 1935 Constitution reads: "The Filipino people, imploring the aid of Divine Providence, in order to establish a government that shall embody their ideals, conserve and develop the patrimony of the nation, promote the general welfare, and secure to themselves and their posterity the blessings of independence under a regime of justice, liberty, and democracy, do ordain and promulgate this Constitution." The present Constitution has substantially a similar Preamble: "We, the sovereign Filipino people, imploring the aid of Divine Providence, in order to establish a Government that shall embody our ideals, promote the general welfare, conserve and develop the patrimony of our Nation, and secure to ourselves and our posterity the blessings of democracy under a regime of justice, peace, liberty, and equality, do ordain and promulgate this Constitution."

[16] Cf. *Lee Hong Hock vs. David*, L-30389, December 27, 1972, 48 SCRA 372.

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