

MARCELINO C. AGNE, FELIX ORIANE, AGATON TAGANAS, HILARIO ESCORPIZO, ISABELO MAURICIO, HEIRS OF ROMAN DAMASO, NAMELY: JORGE DAMASO AND ALEJANDRO DAMASO, HEIRS OF FRANCISCO RAMOS,...

G.R. No. L-40399. February 06, 1990

Ponente: REGALADO, J.

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REGALADO, J.:

Before us are two separate petitions for review on certiorari of the order of the defunct Court of First Instance of Pangasinan, Branch V, in Civil Case No. 2649, entitled "Marcelino C. Agne, et al. vs. The Director of Lands, et al.," dismissing the complaint filed by herein petitioners in said case;^[1] and the decision of the then Intermediate Appellate Court in AC-G.R. CV No. 60388-R, entitled "Presentacion Agpoon Gascon vs. Marcelino C. Agne, et al.," promulgated on January 30, 1985, affirming in toto the decision of the trial court in favor of herein private respondents,^[2] which cases are docketed herein as G.R. No. L-40399 and G.R. No. 72255, respectively.

These two petitions, arising from the same facts and involving the same parties and common questions of law, were ordered consolidated in our resolution of August 9, 1989.

As found by respondent court and disclosed by the records, the land subject matter of this case was originally covered by Free Patent No. 23263 issued on April 17, 1937 in the name of Herminigildo Agpoon. On May 21, 1937, pursuant to the said patent, the Register of Deeds of Pangasinan issued to said Herminigildo Agpoon Original Certificate of Title No. 2370.^[3] Presentacion Agpoon Gascon inherited the said parcel of land upon the death of her father, Herminigildo, and was issued Transfer Certificate of Title No. 32209 on April 6, 1960. Respondent Presentacion declared the said land for taxation purposes in her name under Tax Declaration No. 11506 and taxes were paid thereon in her name.^[4]

On April 13, 1971, private respondent spouses filed Civil Case No. U-2286 in the then Court of First Instance of Pangasinan for recovery of possession and damages against petitioners. Their complaint states that they are the registered owners under the aforesaid Transfer Certificate of Title No. 32209 of the parcel of land situated in Barrio Bantog, Asingan, Pangasinan which is now in the possession of petitioners; that during the Japanese occupation, petitioners, taking advantage of the abnormal conditions then obtaining, took possession of said land by means of fraud, stealth, strategy and intimidation; that private respondents repeatedly demanded the surrender of the physical possession of said property but the latter refused.^[5]

Petitioners, in answer to said complaint, alleged that the land in question was formerly a part of the river bed of the Agno-Chico River: that in the year 1920, a big flood occurred which caused the said river to change its course and abandon its original bed; that by virtue of the provisions of Article 370 of the Spanish Civil Code which was then the law in force, petitioners, by operation of law, became the owners by accession or accretion of the respective aliquot parts of said river bed bordering their properties; that since 1920, they and their predecessors in interest occupied and exercised dominion openly and adversely over said portion of the abandoned river bed in

question abutting their respective riparian lands continuously up to the present to the exclusion of all other persons, particularly Herminigildo Agpoon; that they have introduced improvements thereon by constructing irrigation canals and planting trees and agricultural crops thereon[6] and converted the land into a productive area.

In their joint stipulation of facts, the parties agreed as follows:

"1. That the parties admit the identity and area of the land in question, which forms part of the river bed of the Agno-Chico River, and further admit that the said river bed was abandoned as a result of a flood in 1920 and opened a new bed. The location and course of the aforesaid abandoned river bed as well as the relative position of the lands bordering the same can be gleaned from Cadastral Survey Plan of Asingan, Pangasinan, Sheet No. 49 thereof, as approved by the Director of Lands on October 12, 1912, a photostat copy of which is hereto attached and made an integral part hereof as Annex 'A'.

"2. That the parties admit that the defendants are the riparian owners of the area in question and further admit that the defendants are in possession thereof but that each of them is in possession only of an aliquot part of the said area proportionate to the length of their respective lands. (As amended).

"3. That the parties likewise admit that a Free Patent No. 23263 in the name of Herminigildo Agpoon covering the area in question was issued on April 17, 1937 and that they admit O.C.T. No. 2370 of the Register of Deeds of Pangasinan covering the same parcel of land was issued to the same. Herminigildo Agpoon on May 21, 1937, a photostat copy of said O.C.T. is hereto attached as Annex 'B'.

"4. That the parties admit that the property in controversy is now covered by T.C.T. No. 32209 in the name of Presentacion Agpoon Gascon and by Tax Declaration No. 11506 in the name of said Presentation Agpoon Gascon, a photostat reproduction of said T.C.T. No. and Tax Declaration are hereto attached and marked as Annexes 'C' and 'F', respectively."[7]

On March 6, 1974, while the above-mentioned case was still pending, petitioners filed a complaint against the respondents Director of Lands and spouses Agpoon with the former Court of First Instance of Pangasinan for annulment of title, reconveyance of and/or action to clear title to a parcel of land, which action was docketed as Civil Case No. U-2649. Petitioners alleged in their said complaint that the land in question, which was formerly a portion of the bed of Agno-Chico river which was abandoned as a result of the big flood in 1920, belongs to them pursuant to the provision of Article 370 of the old Civil Code; that it was only on April 13, 1971, when respondent spouses filed a complaint against them, that they found out that the said land was granted by the Government to Herminigildo Agpoon under Free Patent No. 23263, pursuant to which Original Certificate of Title No. 2370 was issued in the latter's name; and that the said patent and subsequent titles issued pursuant thereto are null and void since the said land, an abandoned river bed, is of private ownership and, therefore, cannot be the subject of a public land grant.[8]

On June 21, 1974, the trial court rendered a decision in Civil Case No. U-2286, the dispositive part of which reads as follows:

"WHEREFORE, IN VIEW OF ALL THE FOREGOING, the Court renders judgment:

1. Ordering the defendants to surrender to the plaintiffs the physical possession of the land in question described in paragraph 3 of the amended complaint;
2. Ordering the defendants to pay jointly and severally to the plaintiff the produce of the land in question in the total sum of P5,000.00 per year from the date of the filing of the present action at the rate of 6% interest per annum until fully paid;
3. Ordering the defendants to pay jointly and severally the amount of P800.00 representing attorney's fees;

4. And to pay the costs.

SO ORDERED. "[9]

Not satisfied with said decision, petitioners appealed to respondent court. As earlier stated, on January 30, 1985 the former Intermediate Appellate Court affirmed in toto in AC-G.R. CV No. 60388-R the said decision of the court a quo,[10] and with the denial of petitioner's motion for the reconsideration,[11] the case came up to us as G.R. No. 72255.

On June 24, 1974, the aforesaid Court of First Instance of Pangasinan, acting on the motion to dismiss filed by respondents Director of Lands and spouses Agpoon, issued an order dismissing Civil Case No. U-2649 for annulment of title by merely citing the statement in the case of Antonio, et al. vs. Barroga, et al.[12] that an action to annul a free patent many years after it had become final and indefeasible states no cause of action.[13] Petitioners' motion for the reconsideration of said order was denied on September 11, 1974,[14] hence the recourse to us in G.R. No. L-40399.

In these petitions, petitioners raise the following issues:

1. Whether or not the lower court is justified in dismissing the complaint by simply invoking the ruling in the aforesaid case of Antonio although the facts and circumstances set forth in the complaint show that the land in question was private land under Article 370 of the old Civil Code and that the subsequent derivative certificates of title in question were null and void ab initio because the said land was not within the authority of the government to dispose of in favor of any party and must be ordered annulled, cancelled or rescinded;[15]
2. Whether or not the trial court and the former Intermediate Appellate Court were justified in not basing their judgments on the judicial admissions of private respondents in the stipulation of facts of the parties, since such admissions have the legal force and effect of precluding private respondents from disputing such admission;
3. Whether or not respondent court can presume that private respondents or their predecessor had prior possession of the land in dispute in the light of provisions of law which oblige them to prove such possession, as well as the stipulated facts and other facts and circumstances on record showing that private respondents or their predecessor were not in actual occupancy of the said land, and without appreciating the evidence put up by petitioners to prove their prior possession thereof;
4. Whether or not respondent court was justified in its application of Section 41 of the Code of Civil Procedure in favor of private respondents, although the private respondents did not invoke said law in this case and did not adduce any evidence or proof that all the essential requisites of acquisitive prescription under the said law were present in their favor;
5. Whether or not the Government had the right to convey by way of free patent to any party the land in dispute which belonged to the riparian owners as decreed by Article 370 of the old Civil Code, the law then in force and despite the fact that the patentee herein never occupied the said land during the period prescribed by Act No. 2874; and
6. Whether or not private respondents are guilty of laches for not having attempted to file suit to recover the land in dispute during an interval of 50 or 30 years.[16]

The issues and arguments raised by the proponents in these petitions are well taken.

We agree with petitioners that the lower court erred in ordering the dismissal of Civil Case No. U-2649. The aforesaid case of Antonio relied upon by the lower court in its dismissal order is not controlling. In that case, the complaint was dismissed for failure to state a cause of action, not only because of the delay in the filing of the

complaint but specifically since the ground relied upon by the plaintiff therein, that is, that the land was previously covered by a titulo real, even if true, would not warrant the annulment of the free patent and the subsequent original certificate of title issued to defendant. Thus:

"It is true that by filing the application for a free patent Barroga impliedly admitted either the invalidity or insufficiency of Titulo Real No. 12479 issued in the name of his predecessor in interest on July 22, 1894, but neither the allegation made in his answer that his aforesaid predecessor in interest was the absolute owner of the property covered by said Titulo Real nor his implied admission of the latter's invalidity or insufficiency are grounds for the annulment of the free patent and original certificate of title in question. Evidently, it was Barroga's privilege to rely or not to rely upon his claim of private ownership in favor of his predecessor in interest and of whatever the latter's Titulo Real was worth. He decided not to rely upon them and to consider that the property covered by the Titulo Real was still part of the public domain. Acting accordingly he applied for a free patent and was successful. It must be borne in mind that the Titulo Real was not an indefeasible title and that its holder still had to prove that he had possessed the land covered by it without interruption during a period of ten years by virtue of a good title and in good faith (Royal Decree of June 25, 1880). We may well presume that Barroga felt that he had no sufficient evidence to prove this, for which reason he decided to acquire the land as part of the public domain."

In the case at bar, the facts alleged in the complaint, which are deemed hypothetically admitted upon the filing of the motion to dismiss, constitute a sufficient cause of action against private respondents. Petitioners in their complaint in Civil Case No. U-2649 alleged, among others, that the disputed area was formerly an abandoned river bed formed due to natural causes in 1920; that the riparian owners of the lands abutting said abandoned river bed were the plaintiffs and/or their predecessors in interest; that since then and up to the present, they have been occupying and cultivating aliquot portions of the said land proportionate to the respective lengths of their riparian lands; that they are the real and lawful owners of the said land as decreed by Article 370 of the old Civil Code, the law then in force; that since the said area was a private land, the same could not have been the subject matter of an application for free patent; and that all these facts were known to the private respondents and their predecessor in interest.

If the said averments are true, and the factual recitals thereon have been admitted in the stipulation of facts hereinbefore quoted, then the land in question was and is of private ownership and, therefore, beyond the jurisdiction of the Director of Lands. The free patent and subsequent title issued pursuant thereto are null and void. The indefeasibility and imprescriptibility of a Torrens title issued pursuant to a patent may be invoked only when the land involved originally formed part of the public domain. If it was a private land, the patent and certificate of title issued upon the patent are a nullity.[17]

The rule on the incontrovertibility of a certificate of title upon the expiration of one year after the entry of the decree, pursuant to the provisions of the Land Registration Act, does not apply where an action for the cancellation of a patent and a certificate of title issued pursuant thereto is instituted on the ground that they are null and void because the Bureau of Lands had no jurisdiction to issue them at all, the land in question having been withdrawn from the public domain prior to the subsequent award of the patent and the grant of a certificate of title to another person. Such an action is different from a review of the decree of title on the ground of fraud.[18]

Although a period of one year has already expired from the time a certificate of title was issued pursuant to a public grant, said title does not become incontrovertible but is null and void if the property covered thereby is originally of private ownership, and an action to annul the same does not prescribe.[19] Moreover, since herein petitioners are in possession of the land in dispute, an action to quiet title is imprescriptible.[20] Their action for reconveyance which, in effect, seeks to quiet title to property in one's possession is imprescriptible. Their

undisturbed possession for a number of years gave them a continuing right to seek the aid of a court of equity to determine the nature of the adverse claims of a third party and the effect on her title.[21] As held in *Caragay-Layno vs. Court of Appeals, et al.*,[22] an adverse claimant of a registered land, undisturbed in his possession thereof for a period of more than fifty years and not knowing that the land he actually occupied had been registered in the name of another, is not precluded from filing an action for reconveyance which, in effect, seeks to quiet title to property as against the registered owner who was relying upon a Torrens title which could have been fraudulently acquired. To such adverse claimant, the remedy of an action to quiet title is imprescriptible. In actions for reconveyance of property predicated on the fact that the conveyance complained of was void ab initio, a claim of prescription of the action would be unavailing.[23]

The resolution of the other assigned errors hinges on the issue of who, as between the riparian owner presently in possession and the registered owner by virtue of a free patent, has a better right over the abandoned river bed in dispute.

We rule in favor of petitioners.

The claim of ownership of herein petitioners is based on the old Civil Code, the law then in force, which provides:

"The beds of rivers which remain abandoned because the course of the water has naturally changed belong to the owners of the riparian lands throughout their respective lengths. If the abandoned bed divided estates belonging to different owners, the new dividing line shall run at equal distance therefrom." [24]

It is thus clear under this provision that once the river bed has been abandoned, the riparian owners become the owners of the abandoned bed to the extent provided by this article. The acquisition of ownership is automatic.[25] There need be no act on the part of the riparian owners to subject the accession to their ownership, as it is subject thereto ipso jure from the moment the mode of acquisition becomes evident, without the need of any formal act of acquisition.[26] Such abandoned river bed had fallen to the private ownership of the owner of the riparian land even without any formal act of his will and any unauthorized occupant thereof will be considered as a trespasser. The right in re to the principal is likewise a right in re to the accessory, as it is a mode of acquisition provided by law, as the result of the right of accretion. Since the accessory follows the nature of the principal, there need not be any tendency to the thing or manifestation of the purpose to subject it to our ownership, as it is subject thereto ipso jure from the moment the mode of acquisition becomes evident.[27]

The right of the owner of land to additions thereto by accretion has been said to rest in the law of nature, and to be analogous to the right of the owner of a tree to its fruits, and the owner of flocks and herds to their natural increase.[28] Petitioners herein became owners of aliquot portions of said abandoned river bed as early as 1920, when the Agno River changed its course, without the necessity of any action or exercise of possession on their part, it being an admitted fact that the land in dispute, prior to its registration, was an abandoned bed of the Agno River and that petitioners are the riparian owners of the lands adjoining the said bed.

The failure of herein petitioners to register the accretion in their names and declare it for purposes of taxation did not divest it of its character as private property. Although we take cognizance of the rule that an accretion to registered land is not automatically registered and therefore not entitled or subject to the protection of imprescriptibility enjoyed by registered property under the Torrens system,[29] the said rule is not applicable to this case since the title claimed by private respondents is not based on acquisitive prescription but is anchored on a public grant from the Government, which presupposes that it was inceptively a public land. Ownership over the accession is governed by the Civil Code. Imprescriptibility of registered land is a concern of the Land Registration Act.

Under the provisions of Act No. 2874 pursuant to which the title of private respondents' predecessor in interest

was issued, the President of the Philippines or his alter ego, the Director of Lands, has no authority to grant a free patent for land that has ceased to be a public land and has passed to private ownership, and a title so issued is null and void.[30] The nullity arises, not from the fraud or deceit, but from the fact that the land is not under the jurisdiction of the Bureau of Lands.[31] The jurisdiction of the Director of Lands is limited only to public lands and does not cover lands privately owned.[32] The purpose of the Legislature in adopting the former Public Land Act, Act No. 2874, was and is to limit its application to lands of the public domain, and lands held in private ownership are not included therein and are not affected in any manner whatsoever thereby. Land held in freehold or fee title, or of private ownership, constitute no part of the public domain and cannot possibly come within the purview of said Act No. 2874, inasmuch as the "subject" of such freehold or private land is not embraced in any manner in the title of the Act[33] and the same are excluded from the provisions or text thereof.

We reiterate that private ownership of land is not affected by the issuance of a free patent over the same land because the Public Land Act applies only to lands of the public domain.[34] Only public land may be disposed of by the Director of Lands.[35] Since as early as 1920, the land in dispute was already under the private ownership of herein petitioners and no longer a part of the lands of the public domain, the same could not have been the subject matter of a free patent. The patentee and his successors in interest acquired no right or title to the said land. Necessarily, Free Patent No. 23263 issued to Heminigildo Agpoon is null and void and the subsequent titles issued pursuant thereto cannot become final and indefeasible. Hence, we ruled in *Director of Lands vs. Sisican, et al.*[36] that if at the time the free patents were issued in 1953 the land covered therein were already private property of another and therefore, not part of the disposable land of the public domain, then applicants patentees acquired no right or title to the land.

Now, a certificate of title fraudulently secured is null and void ab initio if the fraud consisted in misrepresenting that the land is part of the public domain, although it is not. As earlier stated, the nullity arises, not from the fraud or deceit but, from the fact that the land is not under the jurisdiction of the Bureau of Lands.[37] Being null and void, the free patent granted and the subsequent titles produce no legal effects whatsoever. *Quod nullum est, nullum producit effectum.*[38]

A free patent which purports to convey land to which the Government did not have any title at the time of its issuance does not vest any title in the patentee as against the true owner.[39] The Court has previously held that the Land Registration Act and the Cadastral Act do not give anybody who resorts to the provisions thereof a better title than what he really and lawfully has.

"x x x The Land Registration Act as well as the Cadastral Act protects only the holders of a title in good faith and does not permit its provisions to be used as a shield for the commission of fraud, or that one should enrich himself at the expense of another (*Gustilo vs. Maravilla*, 48 Phil. 838). The above-stated Acts do not give anybody, who resorts to the provisions thereof, a better title than he really and lawfully has. If he happened to obtain it by mistake or to secure, to the prejudice of his neighbor, more land than he really owns, with or without bad faith on his part, the certificate of title, which may have been issued to him under the circumstances, may and should be cancelled or corrected (*Legarda and Prieto vs. Saleeby*, 31 Phil., 590). x x x." [40]

We have, therefore, to arrive at the unavoidable conclusion that the title of herein petitioners over the land in dispute is superior to the title of the registered owner which is a total nullity. The long and continued possession of petitioners under a valid claim of title cannot be defeated by the claim of a registered owner whose title is defective from the beginning.

The quality of conclusiveness of a Torrens title is not available for use to perpetrate fraud and chicanery. To paraphrase from *Angeles vs. Samia*, supra, the Land Registration Act does not create or vest title. It only confirms

and records title already existing and vested. It does not protect a usurper from the true owner. It cannot be a shield for the commission of fraud. It does not permit one to enrich himself at the expense of another. Stated otherwise, the Torrens system was not established as a means for the acquisition of title to private land. It is intended merely to confirm and register the title which one may already have on the land. Where the applicant possesses no title or ownership over the parcel of land, he cannot acquire one under the Torrens system of registration.[41] Resort to the provisions of the Land Registration Act does not give one a better title than he really and lawfully has.[42] Registration does not vest title. It is not a mode of acquiring property. It is merely evidence of such title over a particular property. It does not give the holder any better title than what he actually has, especially if the registration was done in bad faith. The effect is that it is as no registration was made at all.[43]

Moreover, the failure of herein private respondents to assert their claim over the disputed property for almost thirty (30) years constitute laches[44] and bars an action to recover the same.[45] The registered owners' right to recover possession of the property and title thereto from petitioners has, by long inaction or inexcusable neglect, been converted into a stale demand.[46]

Considering that petitioners were well within their rights in taking possession of the lot in question, the findings of respondent court that herein petitioners took advantage of the infirmities and weakness of the preceding claimant, Herminigildo Agpoon, in taking possession of said land during the Japanese occupation is neither tenable in law nor sustained by preponderant evidence in fact.

Where the evidence show that the plaintiff is the true owner of the land subject of the free patent and title granted to another and that the defendant and his predecessor in interest were never in possession thereof, the Court, in the exercise of its equity jurisdiction and without ordering the cancellation of said title issued upon the patent, may direct the defendant registered owner to reconvey the property to the plaintiff.[47] Further, if the determinative facts are before the Court and it is in a position to finally resolve the dispute, the expeditious administration of justice will be subserved by such a resolution and thereby obviate the needless protracted proceedings consequent to the remand of the case of the trial court.[48] On these considerations, as well as the fact that these cases have been pending for a long period of time, we see no need for remanding Civil Case No. 2649 for further proceedings, and we hold that the facts and the ends of justice in this case require the reconveyance by private respondents to petitioners of the disputed lot.

WHEREFORE, the assailed decision of respondent court in its AC-G.R. CV No. 60388-R and the questioned order of dismissal of the trial court in its Civil Case No. 2649 are hereby REVERSED and SET ASIDE and judgment is hereby rendered ORDERING private respondents to reconvey the aforesaid parcel of land to petitioners.

SO ORDERED.

Melencio-Herrera, (Chairman), Paras, Padilla, and Sarmiento, JJ., concur.

[1] Presided over by Judge Rosalio C. Segundo.

[2] Penned by Justice Ma. Rosario Quetulio-Losa, with the concurrence of Justices Ramon G. Gaviola, Jr., Eduardo P. Caguioa (in the result), and Leonor Ines-Luciano.

[3] Folder of Exhibits for the Plaintiff; Original Record, Civil Case No. U-2286, 12.

[4] Rollo, G.R. No. 72255, 6.

[5] Record on Appeal, AC-G.R. CV No. 60388-R, 2-8; Rollo, G.R. No. 72255, 98.

[6] Ibid., id., 8-20; ibid., id., id.

[7] Rollo, G.R. No. 72255, 6-7.

[8] Rollo, G.R. No. L-40399, 34-39.

[9] Ibid., id., 117.

[10] Ibid., G.R. No. 72255, 5-14.

[11] Ibid., id., 15.

[12] 23 SCRA 357 (1968).

[13] Rollo, G.R. No. L-40399, 52.

[14] Ibid., id., 59-60.

[15] Ibid., id. 18.

[16] Rollo, G.R. 72255, 21-22.

[17] Vital vs. Anore, et al., 90 Phil. 855 (1952); Heirs of Parco vs. Haw Pia, 45 SCRA 164 (1972).

[18] Director of Lands vs. Court of Appeals, et al., 17 SCRA 71 (1966).

[19] Baladjay vs. Castrillo, etc., et al., 1 SCRA 1064 (1961); Villanueva, et al. vs. Portigo, et al., 29 SCRA 99, (1969); Ramirez vs. Court of Appeals, et al., 30 SCRA 297 (1969).

[20] Coronel vs. Intermediate Appellate Court, et al., 155 SCRA 270 (1987).

[21] Almarza vs. Arguelles, et al., 156 SCRA 718 (1987).

[22] 133 SCRA 718 (1984).

[23] Laguna vs. Lavantino, 71 Phil. 566 (1941); Corpus, et al. vs. Beltran, et al., 97 Phil. 722 (1955).

[24] As quoted in Pascual vs. Sarmiento, et al., 37 Phil. 170 (1917).

[25] Fitzsimmons vs. Cassity, (La. App.) 172 So 824.

[26] Sanchez vs. Pascual, 11 Phil. 395 (1908); Pascual vs. Sarmiento, et al., ante.

[27] Villanueva, et al. vs. Claustro, 23 Phil. 54 (1912).

[28] 78 Am. Jur. 2d, 860.

[29] Grande vs. Court of Appeals, et al., 5 SCRA 524 (1962).

[30] Lizada vs. Omanan, et al., 59 Phil. 547 (1934); Lacaste vs. Director of Lands, 63 Phil. 654 (1936); Garcia vs. Dinero, et al., 80 Phil. 474 (1948).

[31] Ramirez vs. Court of Appeals, et al., 30 SCRA 297 (1969).

[32] De los Angeles, et al. vs. Santos, et al., 12 SCRA 622 (1964).

[33] Central Capiz vs. Ramirez, 40 Phil. 883 (1920). The pertinent provisions of Act No. 2874 read:

"Sec. 2. The provisions of this Act shall apply to the lands of the public domain; x x x

Sec. 8. Only those lands shall be declared open to disposition or concession which have been officially delimited and classified and, when practicable, surveyed and which have not been reserved for public or quasi-public uses, nor appropriated by the government, nor in any manner become private property, nor on which a private right authorized or recognized by this Act or any other valid law may be claimed, or which having been reserved or appropriated, have ceased to be so. x x x. " These provisions are reproduced in Secs. 2 and 8 of the present Public Land Act, C.A. No. 141, as amended.

[34] De la Concha, et al. vs. Magtira, et al., 18 SCRA 398 (1966); Baladjay, et al. vs. Castillo, etc., et al., supra.; Villanueva, et al., vs. Portigo, et al., supra.

[35] Cabonitalla, et al. vs. Santiago, etc., et al, 27 SCRA 211 (1969).

[36] 13 SCRA 516 (1965).

[37] Ramirez vs. Court of Appeals, et al., supra.

[38] 3 Castan, 7th Ed., 410.

[39] Vital vs. Anore, et al., supra; Director of Lands vs. Reyes, 69 Phil. 497; Ramoso vs. Obligado, et al., 70 Phil. 86 (1940); Azarcon, et al. vs. Vallarta, et al., 100 SCRA 450 (1980).

[40] Angeles vs. Samia, 66 Phil. 444 (1938); Gabriel, et al. vs. Court of Appeals, et al., 159 SCRA 461 (1988).

[41] Municipality of Victorias vs. Court of Appeals, et al., 149 SCRA 32 (1987).

[42] Vda. de Recinto vs. Inciong, et al., 77 SCRA 196 (1977).

[43] De Guzman vs. Court of Appeals, et al., 156 SCRA 701 (1987).

[44] Edralin vs. Edralin, et al., 1 SCRA 222 (1961).

[45] Varsity Hills, Inc., et al., vs. Navarro, etc., et al., 43 SCRA 503 (1972).

[46] Wright, Jr., et al. vs. Lepanto Consolidated Mining Co., et al., 11 SCRA 508 (1964); Pabalate, et al. vs. Echarri, Jr., et al., 37 SCRA 518 (1971).

[47] Vital vs. Anore, et al., supra; Gomez, et al. vs. Court of Appeals, et al., G.R. No. 77770, December 15, 1988.

[48] Lianga Bay Logging Co., Inc., et al. vs. Court of Appeals, et al., 157 SCRA 357 (1988); Escudero vs. Dulay, 158 SCRA 69 (1988).

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