

THE DIRECTOR OF LANDS, PLAINTIFF-APPELLEE, VS. MARIA ABANILLA AND THE REGISTER OF DEEDS OF ISABELA, DEFENDANTS, MARIA ABANILLA, DEFENDANT-APPELLANT.

G.R. No. L-26324. August 31, 1983

Ponente: MAKASIAR, J.

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MAKASIAR, J.:

This is a direct appeal to the Supreme Court on a pure question of law from the decision of the then Court of First Instance of Isabela, 1st Judicial District, Branch I, in Civil Case No. 1308, ordering the cancellation of Free Patent No. V-2317 and Original Certificate of Title No. P-2723 issued in favor of defendant-appellant.

Plaintiff-appellee (Director of Lands) in his complaint alleged that defendant-appellant (Maria Abanilla) had, through fraudulent means, secured a free patent and an original certificate of title over a public land, known as Lot No. 5798, Pls-62, situated in Roxas, Isabela; that the said free patent and original certificate of title included portions of land occupied by Esteban Esquivel and Wilson Nuesa; and that the portion occupied by Wilson Nuesa was sold to him by Dominador Cullanan, who also bought the same from defendant-appellant Abanilla herself.

Defendant-appellant Abanilla in her answer alleged that her, application for a free patent over a parcel of public land, known as Lot No. 5798, Pls-62, and the subsequent issuance of the original certificate of title, were lawful, since the occupancy of Esteban Esquivel of the portion claimed by him of Lot No. 5798, Pls-62, was merely tolerated by her and was never adverse, and Wilson Nuesa's occupancy never affected her right over the portion he claims, because the sale made by her to Dominador Cullanan was void ab initio.

The trial court entered a judgment, declaring Free Patent No. V-2317 and the corresponding Original Certificate of Title No. P-2317 null and void; ordering the Director of Lands to cancel said patent and issue another patent in favor of Maria Abanilla, excluding the respective portions of land possessed by Esteban Esquivel and Wilson Nuesa; and ordering Maria Abanilla to surrender to the Register of Deeds of Isabela Original Certificate of Title No. P-2723, who was thereby ordered to cancel the same (p. 16, CFI rec.).

This being an appeal on question of law exclusively, We therefore consider as conclusive the following findings of fact made by the trial court:

"The evidence shows that on April 5, 1949, Maria Abanilla applied for Free Patent over a public land known as Lot No. 5798, Pls-62, situated in Roxas, Isabela; That on March 19, 1952, Esteban Esquivel having discovered that the said Free Patent Application included a portion of land occupied by him since before the early part of 1949, registered his opposition therein and asked the Bureau of Lands to investigate the matter (Exh. 'G'); that on May 12, 1952, Dominador Cullanan also registered his opposition to the said Free Patent Application upon the ground that it included a portion of the land sold to him by Maria Abanilla by virtue of a public document dated April 20, 1950 (Exh. 'J'); that on July 3, 1952, for and in con-sideration of the sum of P1,000.00, Dominador Cullanan sold the same portion of land to Wilson Nuesa by virtue of a public instrument notarized before the Municipal Judge of Roxas (Exh. 'K'); that pursuant to the protest filed by Esteban Esquivel, the

Director of Lands, on March 29, 1952, ordered the investigation of said protest (Exh. 'E'); that by reason of the acquisition of the same land hold-ing of Dominador Cullanan by Wilson Nuesa, the latter intervened in the Administrative Investigation of the land conflict between Esteban Esquivel and Maria Abanilla, as claimant-intervenor (Exh. 'I'); that while the aforesaid administrative case was pending investigation by the Fact Finding Committee composed of representatives of the Bureau of Lands and the Land Settlement and Development Corporation (LASEDECO), Maria Abanilla, on February 11, 1953, secured the issuance of Free Patent No. V-2317 in her name covering the entire Lot No. 5798, Pls-62, with an area of 2.1664 hectares; that by virtue of the said patent, Original Certificate of Title No. P-2723 was issued in her name by the Register of Deeds of Isabela on June 16, 1953 (Exh. '1'); that on June 25, 1953, the Fact Finding Committee heard the administrative case aforesaid and submitted its report on July 31, 1953, sustain-ing the 'claim of preferential right' of Esteban Esquivel, and that of Claimant-Intervenor Wilson Nuesa and recommending the annul-ment of Patent No. P-2317, as well as the Original Certificate of Title No. P-2723 in the name of Maria Abanilla insofar as the portions claimed by them are concerned (Exh. '1'); that acting upon the said report the Director of Lands rendered a decision holding that Maria Abanilla acted in bad faith and procured the issuance of the aforesaid patent thru misrepresentation and directing that appropriate steps be taken to institute court action for the voidance and cancellation of Patent No. V-2317 and the issuance of another patent for the correct area adjudicated to her in the said decision, excluding therefrom the portions claimed by Nuesa and Esquivel (Exh. 'N'); that Maria Abanilla filed a motion for reconsideration dated May 5, 1954 (Exh. 'O'); to set aside the aforesaid decision, and on August 30, 1956, the motion for reconsideration was denied by the Director of Lands (Exh. 'P'), that upon the denial of her motion she filed a second motion for reconsideration dated September 28, 1956 (Exh. 'Q'), which was similarly denied by the Director of Lands in his Order dated October 19, 1956 (Exh. 'R'); that on November 19, 1956, she filed a notice of appeal against the decision of the Director of Lands and asked that the same be reviewed and reversed by the Secretary of Agriculture and Natural Resources (Exh. 'S'); that on January 16, 1958, the Secretary of Agriculture and Natural Resources affirmed the decision of the Director of Lands appealed from and dismissed the appeal; and that on August 27, 1958 the Secretary denied the motion for reconsideration to set aside his confirmatory deci-sion (Exh. 'U').

"That on November 5, 1956, Maria Abanilla filed an action with this Court against Esteban Esquivel, Wilson Nuesa and three others for the recovery of possession of the portions of land involved in the administrative case between them in the land department; that after due trial, the Court rendered a decision in favor of the defendants Wilson Nuesa and Esteban Esquivel and against the plaintiff dismissing the complaint; that Maria Abanilla brought the case on appeal to the Court of Appeals which affirmed in toto the decision appealed from, on June 14, 1960 (Exh. 'V'); that on August 11, 1959, the Director of Lands filed this present case to annul the patent and original certificate of title issued to Maria Abanilla" (pp. 13-14, CFI rec.).

The case is now before this Court on a pure question of law: Whether the patent and original certificate of title issued by virtue of the said patent can still be cancelled despite the lapse of six (6) years and six (6) months from their issuance.

Defendant-appellant now claimed that the lower court erred: [1] in ordering the cancellation of both Free Patent No. V-2317 and Original Certificate of Title No. P-2327 of the Register of Deeds of Isabela, both in the name of Maria Abanilla; and [2] in not dismissing the action considering that a period of six (6) years and six (6) months had already elapsed from February 11, 1953 when the land patent was issued, to August 11, 1959 when the present action was instituted in the trial court (pp. 48-49, rec.).

WE find that the trial court did not commit either of the assigned errors.

It should be noted that, pursuant to explicit and repeated averments in the complaint, defendant-appellant Maria Abanilla had acted in bad faith, with full knowledge of the factual background of the case, particularly of the public, continuous and adverse possession of Esteban Esquivel at the time she applied for patent over the land in question, and up to the time she secured the issuance of an original certificate of title over the said land. The fact

that Maria Abanilla acted fraudulently in securing patent No. V-2317 and Original Certificate of Title No. P-2723 was clearly and definitely established in the decision of the Director of Lands (Exh. 'N'), where it was held that Maria Abanilla acted in bad faith and procured the issuance of the aforesaid patent thru misrepresentation and directed that appropriate steps be taken to institute a court action for the voidance and cancellation of Patent No. V-2317 and the issuance of another patent for the correct area adjudicated to her in the said decision, excluding therefrom the portions claimed by Nuesa and Esquivel. Appellant Maria Abanilla even exhausted her administrative remedies by appealing to then Secretary of Agriculture and Natural Resources (now Minister of Natural Resources) [Exh. 'S'], who affirmed the decision of the Director of Lands [Exh. 'U'].

This Court held in the case of Eusebio vs. Sociedad Agricola de Balarin (L-21 519, March 31, 1966, 16 SCRA 569) that the factual findings of the Director of Lands, approved by the Secretary of Agriculture and Natural Resources, are conclusive in the absence of proof of fraud, imposition, error or abuse of discretion.

This Court reiterated said principle in Ramirez vs. Court of Appeals (L-23591, Oct. 31, 1969, 30 SCRA 297).

In the previous case filed by Abanilla herself against the same claimants Esquivel and Nuesa, decided on June 14, 1960, the Court of Appeals, speaking thru then CA Justice, later Associate Justice of the Supreme Court, Conrado Sanchez, concurred in by then CA Justices Natividad and Angeles, both of whom were promoted as Associate Justices of the Supreme Court, found:

“xx So that, as the case now stands, the dispute solely is between appellant Maria Abanilla, on the one hand, and appellees Esteban Esquivel and Wilson Nuesa, on the other.

"On April 5, 1949, appellant Maria Abanilla filed with the Bureau of Lands an application for free patent over Lot No. 5798, Pls-62, aforesaid.

"On March 19, 1952, appellee Esteban Esquivel registered his opposition to appellant's application upon the ground that the same included a portion of land -- circumscribed by the letters C, D, G and H of the sketch shown in Exhibit 5 -- which pertained to said appellee.

"On May 12, 1952, Dominador Cullanan opposed appellant's application upon the averment that the same also covered an area -- designated in the sketch set forth in Exhibit 5 by the letters A, B, E and F -- which was sold to him by the very same applicant Maria Abanilla. In view of the fact that Dominador Cullanan had since conveyed his holding to appellee Wilson Nuesa, the latter intervened in the proceedings.

"On February 11, 1953, while the protests heretofore mentioned were pending investigation, Free Patent No. V-2317, covering the entire Lot No. 5798, PLs-62, with an area of 2.1664 hectares, was issued in the name of appellant Maria Abanilla.

"On June 16, 1953, Original Certificate of Title No. P-2723 covering the same land was issued by the Register of Deeds of Isabela to said Maria Abanilla.

"On June 25, 1953, the fact-finding committee of the Bureau of Lands and the Land Settlement and Development Corporation -- obviously unaware of the prior issuance of a patent and title over the land -- opened hearings on the protests of appellee Esquivel, and Cullanan who was substituted by appellee Wilson Nuesa.

"On March 20, 1954, decision was rendered by the Director of Lands holding that applicant Maria Abanilla was guilty of bad faith and that she procured the free patent over the land thru misrepresentation, and stating that steps would be taken to institute the necessary court action for the cancellation of Patent No. V-2317 and the issuance to Maria Abanilla of another patent for the correct area adjudged to her in said decision, that is, excluding the portions claimed by Esquivel and Nuesa.

"On August 30, 1956, the motion for reconsideration filed by appellant Maria Abanilla was, denied by the Director of Lands.

"On October 19, 1956, appellant's second motion for reconsideration was similarly denied.

"On November 5, 1956, appellant started the present suit.

"It subsequently developed that on November 22, 1956, appellant perfected an appeal from the decision of the Director of Lands aforesaid to the Secretary of Agriculture and Natural Resources.

"On January 16, 1958, the Secretary of Agriculture and Natural Resources affirmed in toto the decision of the Director of Lands.

"On August 27, 1958, the said Secretary denied appellant's motion to reconsider the confirmatory decision.

"We will take up the case piecemeal.

"Appellee Esteban Esquivel, as aforesaid, claimed the portion inclosed by corners C, D, G and H in the sketch appearing in Exhibit 5. The evidence shows that he first entered that land in 1949 when the same was still covered with forest. He cleared and levelled the same. Since then, his occupancy was open, continuous and without molestation or interference from anyone, much less from appellant. He introduced improvements thereon, i.e.; his house, an annex thereto for restaurant and store purposes, a pumpwell, and a fence around the premises.

"Appellant claims that this portion of the land, together with a house used as a shed for drying leaf tobacco, was ceded by her in 1952 to Esquivel on a temporary basis as the latter had no place to live in; that one time she sent her son to cut bamboos behind that house but Esquivel objected and claimed that he owned the land and forthwith told appellant's son to get out therefrom; and that she requested Esquivel to pay P30.00 for the use of the lot, and P20.00 for the use and occupation of the house.

"Apart from the fact that the foregoing version runs counter to the decision of the Director of Lands which was confirmed by the Secretary of Agriculture and Natural Resources, the improbability of the same is quite apparent. If appellant's claim were true, it is strange that no attempt was ever made by her to promptly oust Esquivel from the land. Indeed, if at any time appellant ever asserted that the portion occupied by Esquivel was part of the land applied for by her and that she made known this fact to Esquivel, the latter, doubtless, would not have placed valuable improvements thereon. That he did, is indicative of the fact that nobody ever challenged his occupancy thereof.

"On the defense of appellee Wilson Nuesa, we find that on April 20, 1950, in consideration of P500.00, appellant Maria Abanilla executed in favor of Dominador Cullanan a deed of sale covering the portion herein-before described. In that deed, Exhibit 1, appellant warranted that she was the absolute owner of the portion sold, the same being her share of the conjugal partnership with her late husband Donato Pilar. She never mentioned in that document that said property was part of the public domain which, on April 5, 1949, she previously applied for under a free patent. Of courses, in court she tried to avoid the effects of this writing. When confronted with her thumbmark thereon, she stated in varying terms that she 'Probably' executed that document, or that 'I do not know whether that is my thumbmark,' or that 'I doubt if I impressed my thumbmark.' The obvious weakness of this explanation prevents us from accepting the same. Exhibit 1 is a notarial document. A rule so well settled as to require citation of authorities is that which says that oral evidence to overcome a notarial document must be clear, convincing and beyond a mere preponderance. Here, appellant's evidence -- her sole testimony -- is notches below the legal yardstick.

"Alternatively, appellant states that the deed, Exhibit 1, is null and void because the subject thereof is public land which is 'beyond the commerce of man. The sale was executed before the order for the issuance of the patent in her favor. The same could, therefore, be treated as a disposition of her rights as a free patent applicant

which is sanctioned by law. In *pari materia*: *Gabon, et al. vs. Amboy, et al.*, CA-G.R. No. 20556-R, July 22, 1959.

"Appellee Wilson Nuesa acquired the rights of Dominador Cullanan to the portion sold to the latter by appellant under the deeds of sale, Exhibits 2 and 4. Neither Dominador Cullanan nor Wilson Nuesa was ever disturbed in their possession of said land.

"It will be observed, however, that upon examination of the sketch in Exhibit 5, the land acquired from appellant by Cullanan and subsequently sold to Nuesa included the strip of land in the actual possession of Esteban Esquivel. As a result of the investigation of the protests against appellant's application, Nuesa recognized the rights of Esquivel to the portion occupied by him. So that no quarrel exists as between Esquivel, on the one hand, and Nuesa, on the other.

"We do not believe that appellant has any lawful claim against appellee Wilson Nuesa. The portion of land here involved was sold by appellant herself as her own private property. She cannot now turn back and say that said portion is public land. Here, the matter is exclusively between her and Wilson Nuesa, her vendee's successor-in-interest. The government is not involved. As against appellee Wilson Nuesa, therefore, appellant is in estoppel. Section 68(a), Rule 123, Rules of Court; Article 1431 and 1434, Civil Code; *Llacer vs. Muñoz de Bustillos, et al.*, 12 Phil. 328, 334.

"Furthermore, assuming that the area sold by appellant to Cullanan was public land, the free patent in favor of the former cannot be used as a weapon to oust appellee Wilson Nuesa -- Cullanan's vendee -- from that land. In the same way, said free patent did not give appellant protection against the adverse claim of Esquivel. She knew or was charged with knowledge, of Esquivel's actual possession of the portion claimed by him. And, the patent in her favor is in fraud of the rights of both Nuesa and Esquivel. Accordingly, she must respect the rights of the two to their respective holdings.

"It would not help appellant any to say that the Director of Lands was without jurisdiction in sustaining the claims afore-said. For, said adverse claims were filed long before the patent was issued. As we have heretofore intimated, that patent literally passed thru the backdoor.

"The following from *Acot et al. vs. Kempis, et al.*, 55 Off. Gaz., No. 16, pp. 2907, 2912, is illuminating:

"We start with the premise, that appellant acquired the patent and Torrens title through fraud. Appellant clings to the legal fiction of indefeasibility of a Torrens title. But piercing the shard of his paper title, we find that appellant has no equitable right to the possession of the land covered thereby. He cannot use that title as a shield to perpetuate fraud. Our reason is that no amount of legal technicality may serve as a solid foundation for the enjoyment of the fruits of fraud. *Fraus et jus nunguam cohabitant.*'

"WHEREFORE, finding that the decision appealed from is in conformity with the facts and the law, the same is hereby affirmed."

Said decision became final and executory on July 18, 1960.

Therefore, it is beyond question that fraud was committed by Maria Abanilla in securing her patent and original certificate of title over a public land, known as Lot No. 5798, Pls-62, situated in Roxas, Isabela.

In this regard the controlling provisions of the Public Land Act (Com. Act No. 141, as amended), reads:

"Sec. 90. Every application filed under the provisions of this Act shall be made under oath and shall set forth:

xx xx xx

"(g) Whether all or part of the land is occupied or cultivated or improved, and by whom, giving his post-office address, and whether the land has been occupied or cultivated or improved by the applicant or his ascendant,

the date when the possession and cultivation began, and a description of the improvements made, accompanying satisfactory evidence of the relationship of the applicant with the ascendant, and of the death of the latter and the descendants left by him, in case it is alleged that he occupied and cultivated the land first; or whether there are indications of its having been occupied, cultivated or improved entirely or partially, and if so, in what such indications consist, whether he has made investigations as to when and by whom such improvements were made, and if so, how such investigations were made and what was the result thereof; or whether the land is not occupied, improved or cultivated either entirely or partially, and there are no indications of it having ever been occupied, or cultivated, and in this case, what is the condition of the land" (underscoring supplied).

"Sec. 91. The statements made in the application shall be considered as essential condition and parts of any concession, title, or permit issued on the basis of such application, and any false statement therein or omission of facts altering, changing, or modifying the consideration of the facts set forth in such statements, and any subsequent modification, alteration, or change of the material facts set forth in the application shall ipso facto produce the cancellation of the concession, title, or permit granted. xx" (underlining supplied).

In the light of the above-quoted provisions, defendant-appellant Maria Abanilla cannot use her title as a shield to perpetuate fraud. "No amount of legal technicality may serve as a solid foundation for the enjoyment of the fruits of fraud. *Fraus et just numquam cohabitant*" (*Acot, et al. vs. Kempis, et al.*, *supra*).

Section 91 of the C.A. No. 141, as amended, expressly provides that any false statement in the application, which is an essential condition of the patent or title, "shall ipso facto produce the cancellation of the concession, title, or permit granted."

Defendant-appellant clings to the legal fiction of indefeasibility of a Torrens Title. She claimed that the lower court erred in not dismissing the action considering that a period of six years and six months had already elapsed when the present action, was instituted, in view of the line of decisions of this Court sustaining the indefeasibility of a certificate of title issued in pursuance of a public land patent.

The doctrine in *Heirs of Carle, Sumail*, and other cases cited by the appellant regarding the indefeasibility of title issued pursuant to a free patent one year after its issuance does not apply to a grant tainted with fraud and secured through misrepresentation, such as the free patent invoked in this case, since said grant is null and void and of no effect whatsoever. As We held in *J.M. Tuason & Co., Inc. vs. Macalindog* (L-15398, Dec. 29, 1962, 6 SCRA 938):

"We are in accord with appellant's contention that Act 496 is not intended to shield fraud and that registration thereunder merely confirms title but does not vest any, when there is none, because registration under the Torrens System is not a mode of acquiring ownership."

Furthermore, appellant Maria Abanilla cannot pretend that her title has become indefeasible because no petition for review thereof was filed within one year from its issuance, since proceedings for the review of her patent was actually pending before and after the issuance of appellant's torrens title. According to the findings of fact of the trial court, the patent of Maria Abanilla was under administrative investigation by the office of the appellee Director of Lands at the time she obtained her torrens title pursuant thereto (Exhs. G, H, and I), and that the decision of the appellee ordering the cancellation of appellant's patent on the ground of fraud was rendered on March 20, 1954 (Exh. N), or less than a year from the issuance of her torrens title on June 16, 1953 (Exh. I). It was also less than a year from the issuance of said torrens title that appellant, on May 5, 1954, filed a motion for the reconsideration of said decision of the Director of Lands (Exh. O), which motion for reconsideration was denied on August 30, 1956 (Exh. P), from which denial appellant Abanilla filed a second motion for reconsideration (Exh. Q), and when said motion for reconsideration was likewise denied (Exh. R), appellant

Abanilla even appealed to the Secretary of Agriculture and Natural Resources (Exh. S), who, however, affirmed the decision of the Director of Lands ordering the cancellation of her patent.

In the previous action aforesaid, between herein appellant Maria Abanilla and the other parties claimants Esteban Esquivel, Magno Velayo, Sotero Nuesa, Wilson Nuesa and Teofilo Nobleza of the same land in question wherein appellant Abanilla sought to use her torrens title as basis to recover portions of said land from the defendants (Maria Abanilla vs. Esteban Esquivel, et al., No. 22660-R, 57 O.G. No. 28, pp. 5104-5108, June 14, 1960), the Court of Appeals, speaking through the Honorable Conrado V. Sanchez, expressly found appellant's free patent to have been obtained "in fraud of the rights" of the other private parties claimants thereto, so that to hold that such patent, which "literally passed through the backdoor," cannot be used "as a shield to perpetrate a fraud" (Exh. V, p. 39, Folder of Exhibits; p. 73, rec.).

In Republic vs. Animas (L-37682, March 29, 1974, 56 SCRA 499), petitioner Director of Lands sought the review of the order of the Court of First Instance of South Cotabato, dismissing the complaint instituted by the said Director of Lands, to declare null and void a free patent and the original certificate of title based thereon, which was fraudulently secured. WE hereby quote pertinent portions thereof:

"The complaint alleges in its paragraph 8 that applicant Isagani Du Timbol was never in possession of the property prior to his filing the application, contrary to the provisions of law that the applicant must have been in possession or cultivation thereof for at least 30 years; xx x.

"The above alleged circumstances are indicative of fraud in the filing of the application and obtaining title to the land, and if proven would override respondent Judge's order dismissing the case without hearing. The misrepresentations of the applicant that he had been occupying and cultivating the land and residing thereon are sufficient grounds to nullify the grant of the patent and title under Section 91 of the Public Land Law, xx x.

"A certificate of title that is void may be ordered cancelled. A title will be considered void if it is procured through fraud, as when a person applies for registration of the land under his name although the property belongs to another. In the case of disposable public lands, failure on the part of the grantee to comply with the conditions imposed by law is a ground for holding such title void (Director of Lands vs. Court of Appeals, et al., G.R. No. L-17696, May 19, 1966, 17 SCRA 71, 79-80; italics supplied). The lapse of the one year period within which a decree of title may be reopened for fraud would not prevent the cancellation thereof, for to hold that a title may become indefeasible by registration, even if such title had been secured through fraud or in violation of the law, would be the height of absurdity. Registration should not be a shield of fraud in securing title. (J.M. Tuason & Co., Inc. vs. Macalindog, L-15398, December 29, 1962, 6 SCRA 938 page 38)" [underlining supplied].

This Court, in the same case, further held that prescription of action to review a title after the lapse of one year from its issuance under Section 38 of Act 496; cannot be invoked against the State, since under paragraph 4 of Article 1108 of the Civil Code, prescription does not run against the State, and We quote:

"Considering that it is the State that is seeking the cancellation of the title of respondent Isagani Du Timbol, said title has not become indefeasible for prescription cannot be invoked against the State. A title founded on fraud may be cancelled, notwithstanding the lapse of one year from the issuance thereof, through a petition filed in court by the Solicitor General, x x x."

Even granting that the Director of Lands can no longer question the validity of a torrens title after the lapse of one year from its registration under Section 38 of Act 496, still appellant Maria Abanilla is estopped from claiming that this action has already prescribed. The established facts on the record of the administrative case in the Lands Department involving the same subject matter in this case show that defendant Maria Abanilla even before the grant of the subject patent in her favor had allowed herself to submit to an administrative investigation of this case

when she appeared on one occasion in the course thereof and requested for the post-ponement of the same on the ground that she desired to settle the case amicably. Thereafter, she pursued her alleged right to the patent by exhausting all her administrative remedies in the Lands Department. Appellant Maria Abanilla is now estopped from claiming that this action had already prescribed, for the simple reason that she can be considered an instrumental party in the delay in the filing of the instant action (p. 26, rec.).

In *Cebedo vs. Director of Lands* (2 SCRA 25), this Honorable Court held that "it is not only the right but the duty of the Director of Lands to conduct investigation to determine whether steps should be taken in the proper court for the annulment of the title or titles theretofore issued, and to file the corresponding court action for the reversion of the properties to the State, if the facts disclosed in the course of the investigation so warrant."

It was in pursuance of the above and similar rulings of this Court that the appellee Director of Lands filed the present action for cancellation of Abanilla's patent and title over the land in question.

WHEREFORE, FINDING THAT THE DECISION APPEALED FROM IS IN CONFORMITY WITH THE FACTS AND THE LAW, THE SAME IS HEREBY AFFIRMED. DOUBLE COSTS AGAINST DEFENDANT-APPELLANT.

Aquino, Concepcion, Jr., Guerrero, and Escolin, JJ., concur.

De Castro, J., on sick leave.

Abad Santos, J., abroad.

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