

**ILDEFONSA CERDON, PETITIONER, VS. COURT OF APPEALS,
HILARIO ABINAL, PEDRO PARAÑAL, THE HEIRS OF DOMINGO
ABINAL, AND THE DIRECTOR OF LANDS, RESPONDENTS.***G.R. NO. L-47422. April 06, 1990*

Ponente: NARVASA, J.

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The function of administering and disposing of lands of the public domain in the manner authorized by law, is not entrusted to the courts but to executive officials. Originally, it was the Director of the Bureau of Lands primarily, and ultimately, the Secretary of Agriculture and Natural Resources, who had this function.[1] Section 4 of the Public Land Act (Commonwealth Act No. 141) declared that subject to the control of the Secretary of Agriculture and Commerce, “the Director of Lands shall have direct executive control of the survey, classification, lease, sale or any other form of concession or disposition and management of the lands of the public domain, and his decisions as questions of fact shall be conclusive when approved by the Secretary of Agriculture and Commerce.”[2] Thus, initially within the exclusive jurisdiction of the Director of Lands[3] were such questions as the adjudication of the conflicting claims of rival claimants to public land,[4] or cases involving disposition and alienation of public lands.[5]

It is the contention of Ildefonsa Cerdon, petitioner herein, that the land in question is not public land, but land of private ownership, hers in fact, and hence, not within the jurisdiction of the Director of Lands. The Trial Court[6] shared her view -- and rendered judgment in her favor, against particular defendants allegedly occupying portions of the land claimed by her. But the Court of Appeals did not see it her way. On appeal by the defendants, it declared the lands in question to be “part of the public domain,” and authorized the Bureau of Lands to “continue acting on the homestead applications of the defendants-appellants and the opposition thereto of plaintiff-appellee.”[7] In this appeal on certiorari, Ildefonsa Cerdon would have this Court set aside the judgment of the Court of Appeals.

The proceedings at bar were commenced by complaint filed by Ildefonsa Cerdon in the then Court of First Instance of Albay praying for the recovery of a parcel of agricultural land in Cabotgan-Bonbon, Libon, Albay with an area of 4 hectares, 42 ares and 20 centares, as well as the payment to her of damages by the persons occupying portions thereof, namely: Braulio Ortáñez, Hilario Abinal, Pedro Parañal, and Domingo Abinal.

Also pleaded in her complaint was the Director of Lands whom she asked the Court to declare to be without jurisdiction to take cognizance of and adjudicate homestead applications earlier filed by the above named defendants over the property claimed by her and as regards which she had filed her oppositions.

Cerdon averred that the land subject of her complaint -- and of the homestead applications pending before the Director of Lands -- was hers, having been inherited by her from her deceased father, Juan Cerdon, who had in turn purchased it from a Domingo Secretario on August 22, 1903; that her possession and that of her predecessors dated from 1890; and that the defendants were her tenants.

In his answer, the Director of Lands stated that the land pertained to the public domain, and was subject of homestead applications earlier filed by the private defendants. The latter, in their own answer, asserted that they were themselves owners of the areas respectively occupied by them, and they had indeed earlier filed homestead applications covering said areas because they wished to have documents of title thereto. Trial was thereafter had upon these issues thus raised by the pleadings.

As already intimated, the Trial Court decided the case in Cerdon's favor, "declaring *** (her) owner of the land in question, *** and ordering the defendants to vacate said land, and *** each of *** (them): Hilario Abinal, Pedro Parañal and the heirs of Domingo Abinal, to deliver to the plaintiff 30 sacks of palay or a total of 90 sacks annually since 1952 or the value thereof at P12.00 per sack, until they vacate the respective portions claimed by them, with costs ***." And as also already mentioned, this decision was reversed by the Court of Appeals which declared the land to be public, and the Director of Lands to be vested with authority to act on and decide the defendants' homestead applications.

In this appeal, Ildefonsa Cerdon insists that the evidence adduced by her should have been accorded superior credit as against the proofs of the defendants; that it was error for the Court of Appeals to have pronounced the evidence insufficient to establish (1) the identity of the land, and (2) her title thereto on the basis of the continued possession thereof by her and her predecessors.

She claims to have proven by preponderance of evidence not only the precise location and the metes and bounds of the land described in her complaint, as well as her title thereto by immemorial possession, but also the status of defendants as her tenants occupying particular portions thereof. She claims that it was a mistake on the part of the Court of Appeals to have declared that in light of the proofs, the land claimed by her did not pertain to private ownership but was land of the public domain, that the parcels of land occupied by the private defendants, except Braulio Ortanez, were outside of the land claimed by her, and that the private defendants, were bona fide possessors of the areas respectively occupied by them and had acquired rights which might be the basis of an award to them thereof as homesteads in accordance with applicable law.

It should at once be apparent that the questions that Ildefonsa Cerdon raises in this Court are questions of fact, dealing with the matter of whether or not the evidence before the Trial Court proves the material allegations of her complaint or of her adversaries' pleadings. Review of these questions is foreclosed by the standing doctrine that conclusions of fact of the Court of Appeals are final and binding even on this Court and, subject only to a few well defined exceptions none of which obtains here, will not be reviewed in an appeal by certiorari, which is limited to consideration only of questions of law which must be clearly and distinctly set forth in the petition.

In any event, a perusal of the factual conclusions sought to be reviewed, in relation to the recorded evidence, convinces this Court of the correctness of those conclusions which are therefore, hereby sustained. The evidence does indeed demonstrate that private defendants have been in actual possession of the land since 1944, at least, in their own right and not as mere tenants of Cerdon, and that such possession was verified by the subdivision survey of the area conducted by the Bureau of Lands between March, 1948 and May, 1949, prompting the Bureau personnel engaged in the survey to advise said defendants to file homestead applications over their respective areas.[8] The evidence also in truth shows, as observed by the Court of Appeals,[9] that Cerdon -

"... has no title whatsoever to the land, all she was able to show was a tax declaration secured as recently as 1948 although realty taxes were made to commence in 1945. The tax declaration is insufficient to prove ownership for purposes of the issues in this case and the nature of this action. It cannot even support a fee simple title over the property especially so in the light of the public land subdivision survey from March 1948 to May 1949 when the area was found to be under the possession of private defendants and not in the possession of the plaintiff. In the absence of clear and convincing evidence of private ownership, the land must

be declared part of the public domain.”

The ruling of the Court of Appeals, it may be added, that the land is deemed still to be part of the public domain is consistent with relevant jurisprudence.[10] And the evidence finally does in fact establish that Cerdon instituted her action in the Trial Court only after she had filed protests against the homestead applications of Pedro Parañal, Domingo Abinal and Hilario Abinal submitted to the Bureau of Lands, and the Provincial Land Officer at Legazpi City had, on instructions of the Director of Lands, commenced an investigation of the case. Jurisdiction having correctly been assumed by the Bureau of Lands over the parties’ conflicting claims, the case should, in accordance with law, remain there for final adjudication.[11]

WHEREFORE, there being no reversible error in the challenged judgment of the Court of Appeals, the same is AFFIRMED in toto, with costs against the petitioner.

SO ORDERED.

Cruz, Gancayco, Griño-Aquino and Medialdea, JJ., concur.

[1] *Francisco v. Secretary of Agriculture and Natural Resources*, 121 SCRA 380

[2] N.B. The Department of Agriculture and Commerce was subsequently renamed “Department of Agriculture and Natural Resources.” Under the Administrative Code of 1987 (Executive Order No. 292; eff. Sept. 28, 1989), the jurisdiction and functions of said Department relative to the management and disposition of lands of the public domain were transferred to the Department of Environment and Natural Resources (the Department of Agriculture remaining as a separate executive department). The Department of Environment and Natural Resources now has “exclusive jurisdiction on the management and disposition of all lands of the public domain and serve(s) as the sole agency responsible for classification, sub-classification, surveying and titling of lands in consultation with appropriate agencies” (Sec. 4 [15], Chapter 2, Title XIV). It now has administrative supervision and control of the Lands Management Bureau, which absorbed “the functions and powers of the Bureau of Lands abolished by Executive Order No. 131” (Sec. 15 of Chapter 3, Title XIV).

[3] Now, to repeat, the Director of the Lands Management Bureau (see preceding footnote)

[4] *Pitarque v. Sorilla*, 92 Phil. 5 [1952]

[5] *Rallon v. Ruiz*, 28 SCRA 332 [1969]

[6] Court of First Instance of Albay, presided over by Hon. Perfecto Quicho

[7] The judgment was promulgated on May 27, 1977 and was written for the Court by Gutierrez, Jr., J. (now Associate Justice of this Court), with whom concurred de Castro and de la Puente, JJ. (later themselves appointed Associate Justices of this Court).

[8] SEE *Carabot v. C.A.*, 145 SCRA 372 (1986)

[9] Consistently with *Rizal Cement Co., Inc. v. Villareal, et al.*, 135 SCRA 15 (1985); *Samson v. C.A.*, 141 SCRA 189 (1986); *Ferrer-Lopez v. C.A.*, 150 SCRA 393 (1987)

[10] *Director of Lands v. Carolino*, 140 SCRA 396 (1985); *Director of Lands v. Romamba*, 131 SCRA 432 (1984)

[11] As earlier pointed out (footnotes 2 and 3, *supra*), the Bureau of Lands has since been absorbed by the Lands Management Bureau.

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