

**REPUBLIC OF THE PHILIPPINES AND THE DIRECTOR OF LANDS,
PETITIONERS, VS. HONORABLE SALVADOR C. REYES, AS JUDGE OF
THE COURT OF FIRST INSTANCE OF NUEVA ECIJA, BRANCH III, AND
ANGE...***G.R. No. L-37050. March 17, 1982*

Ponente: FERNANDO, C.J.

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In this appeal by certiorari taken by the Republic of the Philippines,[1]the letter of the law argues most persuasively for the stand taken by petitioner. Private respondent Angel de la Cruz sought to register Lot 2039 of the Rizal Cadastre (Nueva Ecija), with all the improvements thereon, consisting of 1.0335 hectares, previously declared public land by the Cadastral Court on July 20, 1926. Respondent Judge Salvador C. Reyes, now retired, did not only hear the case but also set aside the 1926 decision and decreed the registration of such lot to private respondent. In fairness to respondent Judge, he accepted in good faith the allegation of private respondent that both the Commissioner of Land Registration and the Solicitor General were notified.

In the brief submitted by the Solicitor General,[2]it was shown that respondent Judge was aware that the land in dispute was declared public land by the Court of First Instance of Nueva Ecija in a decision rendered on July 20, 1926.[3]This notwithstanding, respondent Judge granted the reopening of the cadastral proceedings due to his belief that he was empowered to do so under Republic Act No. 6236. In the lone error assigned, it was pointed out that the reopening of cadastral proceedings terminated on December 31, 1968. At the time then private respondent sought to reopen the case, the lower court was without jurisdiction. So it was contended.

The contention of the Solicitor General must be upheld. The Act[4]cannot be any clearer. What was extended then was the time limit for the filing of applications for free patents and for the judicial confirmation of imperfect or incomplete titles. Its Section 1 amends Section 45 to read as follows: "The President, upon recommendation by the Secretary of Agriculture and Natural Resources, shall from time to time fix by proclamation the period within which applications for free patents may be filed in the district, chartered city, province, municipality, or region specified in such proclamation, and upon the expiration of the period so designated, unless the same be extended by the President, all the land comprised within such district, chartered city, province, municipality, or region subject thereto under the provisions of this chapter may be disposed of as agricultural public land without prejudice to the prior right of the occupant and cultivator to acquire such land under this Act by means other than free patent. * * *"[5]There is an applicable statute to situations of this character, dealing specifically with cadastral proceedings.[6]*Lizarraga Hermanos v. Yap Tico*,[7]the ponente being Justice Moreland, is quite categorical: "The first and fundamental duty of courts, in our judgment, is to apply the law. Construction and interpretation come only after it has been demonstrated that application is impossible or inadequate without them." [8]Such a doctrine has been reiterated time and time again. There is thus ample justification for the appeal of the Republic of the Philippines.[9]

So it is from the standpoint of strict law. What was done by respondent Judge was beyond his jurisdiction and, therefore, must be set aside. Our ruling does not go further than that. There is no adjudication on the merits of the claim of private respondent over the disputed lot, barely a hectare. This decision is not to be interpreted that he is left remediless. This is one case where the other petitioner, the Director of Lands, certainly is in the best position to determine how under existing law such claim can ripen into ownership. If that could be done, then what is sought to be achieved under the social justice provision⁹ of the Constitution may be attained. Moreover, it would bring closer to realization the hope for a truly Compassionate Society.

WHEREFORE, the appealed decision is hereby set aside and all proceedings had in connection with said reopening of cadastral proceedings are nullified. No costs.

Barredo, Aquino, Concepcion, Jr., Abad Santos, De Castro, Ericeta, and Escolin, JJ., concur.

[1]The Director of Lands joins as co-petitioner.

[2]Solicitor General Estelito P. Mendoza was assisted by Assistant Solicitor General Bernardo P. Pardo.

[3]Appealed decision, Annex A of Brief.

[4]The title of Act No. 6236 reads as follows: "AN ACT EXTENDING THE TIME LIMIT FOR THE FILING OF APPLICATIONS FOR FREE PATENTS AND FOR THE JUDICIAL CONFIRMATION OF IMPERFECT OR INCOMPLETE TITLES." (1971).

[5]Ibid.

[6]Republic Act No. 931. Its first section reads: "All persons claiming title to parcels of land that have been the object of cadastral proceedings, who at the time of the survey were in actual possession of the same, but for some justifiable reason had been unable to file their claim in the proper court during the time limit established by law, in case such parcels of land, on account of their failure to file such claims, have been, or are about to be declared land of the public domain, by virtue of judicial proceedings instituted within the forty years next preceding the approval of this Act, are hereby granted the right within five years after the date on which this Act shall take effect, to petition for a reopening of the judicial proceedings under the provisions of Act Numbered Twenty-two hundred and fifty-nine, * * *." (1953).

[7]24 Phil. 504 (1913).

[8]Ibid, 513.

[9]In *Gonzaga v. Court of Appeals*, it was stressed: "It has been repeated time and time again that where the statutory norm speaks unequivocally, there is nothing for the courts to do except to apply it. The law, leaving no doubt as to the scope of its operation, must be obeyed. Our decisions have consistently been to that effect." L-27455, June 28, 1973, 51 SCRA 381, 385. The opinion cited twelve cases from *People v. Mapa*, L-22301, August 30, 1967, 20 SCRA 1164, to *Allied Brokerage Corp. v. Commissioner of Customs*, L-27641, August 31, 1971, 40 SCRA 555. An even later case is *Kapisanan ng mga Manggagawa v. Manila Railroad Company*, L-25316, February 28, 1979, 88 SCRA 616.

⁹ According to Article II, Sec. 6 of the Constitution: "The State shall promote social justice to ensure the dignity, welfare, and security of all the people."

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